

THE
CENSOR'S
LIBRARY

UNCOVERING
THE LOST
HISTORY OF
AUSTRALIA'S
BANNED
BOOKS

NICOLE MOORE



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Abbreviations

ABC	Australian Broadcasting Commission
ABA	Australian Broadcasting Authority
AG	Attorney General
ACMA	Australian Communications and Media Authority
ALRC	Australian Law Reform Commission
ALP	Australian Labor Party
BCB	Commonwealth Book Censorship Board
CG	Comptroller General of Customs
CPA	Communist Party of Australia
LCB	Commonwealth Literature Censorship Board
NAA	National Archives of Australia
NLBR	National Literature Board of Review
NSW	New South Wales
NSWCCL	New South Wales Council for Civil Liberties
OFLC	Office of Film and Literature Classification
PMG	Post Master General
QSA	Queensland State Archives
SA	South Australia
<i>SMH</i>	<i>Sydney Morning Herald</i>
<i>TLS</i>	<i>Times Literary Supplement</i>
UAP	United Australia Party
WA	Western Australia

The censor's library

They lie like frail bricks, stacked in angled rows inside the boxes. I choose one, then another. A Mickey Spillane thriller with an enthusiastic blurb. *The Adventures of an Amorous Gentleman of Quality*, a slim volume with a plain cover, privately printed in Paris. A copy of *Avant Garde* magazine from 1970, its cover announcing the inclusion of 'John Lennon's Erotic Lithographs'. A paperback of the *Kama Sutra* from the early 1960s, with line drawings of couples in posed, illustrative conjugation. Harold Robbins' bestselling *The Carpetbaggers*.

I turn to the next box. Hardcover books lie inside, covered in thick brown paper. A fat roll of brown paper sat on the counter of my father's dry-cleaning shop to wrap the softly folded cardigans of the town. Brown paper that can't be seen through; brown paper to mask the covers and spines of illicit objects.

The books in this box are older, with thicker pages and rounded cloth bindings, prohibited in the 1930s and 1940s. I turn the pages of a first edition of Aldous Huxley's *Brave New World*, published in 1932, a book still read, studied and prized around the world. Inside the front cover is a file number, pencilled in red, as well as a bookshop's name and date, a clerk's signature and the word 'Prohibited'. Below, bannered across it, 'Released on appeal'.

This is the very copy that decided the prohibition of the title: all editions refused entry and circulation stopped. A forbidden object, the aura of the proscribed still seems to surround it, carried through its decades of hibernation. So it arrives into the light of the reading room like a nocturnal animal, alien, out of time, perhaps wild.

More and more boxes. Two trolleys arrive with a dozen lined up,

The Censor's Library

containing serious-sounding books with titles like *The Sexual Relations of Mankind* as well as predictable examples of erotica and soft- and hard-core pornography: books featuring sexualised fetishes or fantasised violence; books about the purported desires of schoolgirls; books depicting flagellation with various titles in multiple copies. I pick up *The Sexual Adventures of Robinson Crusoe*, a tongue-in-cheek porn classic published by the provocative Olympia Press in France, featuring long descriptions of masturbation and bestiality.

There are magazines, calendars, thin paperbacks about drugs and, in one or two boxes, comics. From 1950, 1951, 1952, they are the kind of vintage comics that collectors now pay handsomely for, beautifully lurid in purple and green, blue, red and yellow. *Weird Science* and *Tales of Terror*: the titles reside in hybrid genres such as sci-fi horror and fantasy romance, featuring vampires from outer space or zombies in love. They were collected in full sequences at the moment of publication to be bundled up and locked away.

The censor's library is an oxymoron; it preserves prohibited objects for their very proscribers. The library holds publications removed from readers, sellers and importers that were then carefully held, catalogued and sequestered. Seven-hundred and ninety-three boxes, perhaps 12,000 titles, perhaps more, sometimes moved between departments, housed in different offices, but kept safe and intact for six decades. The library dates from about 1927 and stretches to 1988, when the Office of Film and Literature Classification handed it on to the National Archives of Australia. It was for reference, a tool that enabled the success of the censorship system. The books were kept only in order to be banned, to keep them from a country's readers. Built and maintained to ensure the books it held were not read, the censor's library was a library kept to negate the function of libraries.

A negative library

Researchers had long suspected that Australian censors kept a reference library of banned books within the federal department of Trade and Customs, responsible under its *Act* for the prohibition of imported publications as obscene, blasphemous or seditious for much of the twentieth century. Few had ever seen it, however, or even verified its existence. Certainly it was mentioned in correspondence and seemed a necessary part of the systematic regime maintained by the department, but no part of it had been sighted. Senior librarians from the National Library of Australia speculated with me when I began inquiring about the missing books. Scenarios reflecting

the attraction of the illicit suggested themselves: perhaps staff had taken the books home after the transfer of Customs censorship powers to the Attorney-General's department in the early 1970s. Or perhaps sold them on the black market. Perhaps they had circulated to shadowy collectors, perhaps even to knowing parliamentarians. And so the library disappeared.

I found a long-forgotten article published in the *Australian* in 1971, at the height of that period's censorship scandals. Journalist Jane Perlez had been invited by the Customs Minister to 'censorship's inner sanctum' in Canberra, where, in a fibro office in the neon-lit readers' room, she sighted the 'collection'. Don Chipp, a famously liberal minister in a conservative government, had thrown open Customs' censorship regime to public scrutiny. The books, which Perlez estimated then to number 6000 or 7000, were housed in locked grey steel cabinets. These were on wheels that ran on well-oiled tracks; inside were the victims of 'regulation 4A' from the past 42 years, preserved in their brown-paper covers, coded on the spine with the letter R (if released) and B (if passed on to the Literature Censorship Board).

They were a collector's dream, Perlez sighed. 'There are mint conditions of T. E. Lawrence; number 26 of the first edition of the *Kama Sutra*, large size and on something very close to parchment; a first edition *Ulysses*'. Also early twentieth-century erotica, a book banned for blasphemy ('one of the two remembered blasphemy cases'), comics and picture porn, and 'rows of pocket size paperbacks'.¹

From 1971, across more than thirty years, I couldn't trace another encounter with the collection. Until May 2005. I mentioned the library to staff at the National Archives and we started to look. Among the many uncatalogued file series from Customs, one was suspiciously large. Its contents were described as 'miscellaneous', relating to censorship, and one consignment contained hardback books. The search went seven stories underground, to the basements of the NSW branch in western Sydney. There we found, stacked in quiet rows, 793 boxes of books.

I held my breath as box after box was retrieved. Speculation about the library's existence had been at least resigned to its loss. But here it was, in 793 boxes, a country's banned books in one collection. Thousands of different titles, neatly covered and catalogued. So far, it had been a mere symbol, a metonym for the secret exercise of power over knowledge.

Literary theorist Roland Barthes asserted that the history of French literary censorship would provide 'a completely different history of our

literature . . . a counter-history, the under-side of [literary] history'. As a record of what Australians couldn't read, the Customs reference library of banned books, with the mountain of administrative records that accompany it, is something like a materialised negative of twentieth-century Australia, throwing what it knew into relief against what it didn't.

Secret museums

Censors have maintained secret or 'closed' collections of banned books in many parts of the world. The British Museum's 'Private Case', the Delta call mark of the Library of Congress and the Bibliothèque Nationale's Collection de l'Enfer, established between 1836 and 1844, are some of the best known: collections kept by national institutions required to house every copyrighted work.² These have only been open to viewing by non-officials since the 1980s and some are still restricted to 'genuine' researchers. Peter Fryer's *Private Case, Public Scandal*, which exposed the contents of the British Library's secret collection to the public for the first time, was banned in Australia on its release in 1966, although passed on appeal a year later. Perhaps the biggest and most notorious of the world's secret collections was the USSR's *spetskhran*, an enormous reserve of 'forbidden' literature amounting to more than one million items whose contents have only been discussed in the English-speaking world in the last ten years.³ Australia, however, has rarely admitted to anywhere housing such a collection.

The paradox of the 'secret museum' – a special collection of objects or items preserved, catalogued and housed but not to be seen, its very existence kept a secret – has been outlined by pornography historian Walter Kendrick. He describes the quandary faced by late-eighteenth and early-nineteenth-century Italian and English archaeologists who unearthed the cities buried beneath Vesuvius and discovered a late Roman culture in which erotic images and obscene objects were so numerous as to be unremarkable, even conventional. What were they to do with the many statues of Priapus, the god of generation always identifiable by his erect phallus, which decorated the thresholds of Roman households? Clearly the erotic statues, paintings and sculptures couldn't be destroyed – their very ubiquity showed their importance to Roman life. But how to display the Pompeii finds? The public was literate in the cultures of ancient Rome and Greece and excited about the wealth of new finds, but needed to be protected from objects and images strongly offensive to dominant Victorian morality.

'What was required was a new taxonomy,' writes Kendrick. Confronted with these priceless obscenities – marble contradictions that could explode any necessary link between absolute morality and aesthetics – cataloguers revived an old word. They chose the word 'pornography', drawn from antiquity and which circulated in the mid-nineteenth century in reformist literature about prostitution, as well as in underground French publications. The finds were housed in a special room in the Museo Borbonica in Naples, to which only gentlemen with appropriate qualifications could be admitted; women, children, the poor and the uneducated were excluded. Even the room was kept as secret as possible.

Censorship is a taxonomic process, a system of classification that establishes special categories of distinction for more or less offensive meaning, and isolates and removes that meaning from everyday production, distribution or consumption. Australia's contemporary censorship system, established in the 1980s, is euphemised as a 'classification' system, implying that no cultural product is absolutely banned, and reflecting the way in which products are directed to defined categories of consumers. The censor's library is Australia's secret museum of offensive publications, collecting and cataloguing meaning that was found offensive over a century.⁴

But this is not an Australian library. Its contents were collected as imports, the property of importers and individuals arriving into Australia that was deemed suspicious and removed under Customs' expansive powers. This is a purloined library, made of the confiscated trade of a small ex-colonial nation with a large reading appetite. The books are not a national collection but foreign contraband, either banned on the spot by Customs officers or banned later after being referred to expert literary boards. Each was then sent to the 'book room' as an exemplary illegal object. As a whole, the collection forms an unknown but telling part of Australia's relations with the world, demonstrating what was deemed to be unAustralian reading but also its obverse – what was model reading, a nation's ideal.

The banned list and the world outside

The Censor's Library is a new history of Australian book censorship, with a focus determined by that censorship on what constituted 'literary' publications. It takes a new and closer look at the content of the banned items themselves. My approach, as a literary historian, is to take for granted neither the outrage of censorship nor its necessity, and to probe further

into what made up the offence as it sat on the page. What factors made it offensive? How was offence identified in a book's language, plotting, ideas, forms of address? Why were these books banned and how? What was at stake in prohibitions? What mattered enough to be banned? What was it that we were kept from knowing? The discovery of the library makes it possible to answer these questions in a way that could not be done before.

The book draws on the voluminous archived records of federal censorship left by the Customs department and other government agencies, much of which has not been examined or even catalogued before. With more than fifteen government departments and agencies involved in censorship, just the records held in the National Archives of Australia amount to more than 70 file series, and the shelf-space for some of these series measures 200 metres or more. More than the censor's library is hidden in that bulk. I use the records of censorship's bureaucracy to expand its rich history beyond the well-known instances. Besides placing the scandals and notorieties of Australian book-banning in a full context, the records bring to light many unknown prohibitions, revealing diverse titles whose offence has been obscured.

The records expose the motivations and mechanisms of censorship as well as its blunders. I have tried to reanimate the lively and argumentative assessments of the censors, the stormy in-house debates, personalities and pedantries, administrative triumphs and legal sleights-of-hand, political brutalities and social scandals that underpinned the extraordinarily expansive and rigorous system of bureaucratic control. It required a kind of civil service unknown to us now, and coordinated and systematic surveillance that can appear both alien and familiar.

The book is underpinned by *Banned in Australia*, the first comprehensive bibliographic list of literary titles banned by federal censorship from 1901 until 1973, which I produced with Marita Bullock in 2008.⁵ The banned list was an ever-changing compilation to which titles were added continually and removed sporadically, and kept secret from the public until 1958. Even then, only literary titles were listed or those that were deemed to have some public interest. Popular, technical or scholarly, and pornographic publications were not listed. 'An index of Australia's innocence', as journalist David Marr once described it,⁶ the list, now reconstructed, shows us the limits of Australia's experience of the world. Bringing it into public view allows us to see not only that which we have been prevented from seeing or reading, but the frame

through which censorship organised that view – the rationale and limits, specified in exact proscribed objects, of power itself.

The history of literary censorship is a narrative about narrative, one of the most exact examples of stories about the circulation of stories. Australian literary censorship is a story about the secret practice of rendering stories secret. The nature of that process, its motivations and effect, is the central preoccupation of *The Censor's Library*. A history of censorship in Australia should be a profoundly counter-factual kind of history, revealing what could have been and what didn't get to be part of Australian print culture or Australia's reading history.

Mechanisms used to protect Australian readers from offence included the common law, statutes, legal regulations, court rulings and decisions, policy and bureaucratic processes, expert and inexpert opinion and the influence of medical and psychological discourses, as well as the discourse of literary scholarship, employed as the learned practice of decoding meaning. But censorship's mechanisms also reveal that which they wished to prevent or refuse: offensive meaning itself. In censorship records, offensive meaning still pushes for expression, whether as the trace of banned realism, erotica and porn, or modernist experimentation; in the forms of dissent, ideological argument and politics proscribed; in the genre codes through which sensationalism and affect work in popular and underground culture. This offensive meaning is at least negatively evident from the traces left of its treatment by the censoring state. I wish to bring this banned meaning out of its long secrecy, not merely as a negative trace, but positively present as exact, contingent, differentiated and meaningful.

The unseen content of prohibited publications fills out the history of culture in illuminating ways, as national history and as a measure of internationally circulated offence. What was at stake for censorship – what mattered enough to require bannings – was the nation's capacity to make citizens, to form readers in its own image. Australia's banned library offers a counter history of what we couldn't read, didn't read, didn't know – and why we didn't. When we open it up for viewing, we discover what a nation was not allowed to know.

A sight worth looking at

‘No literary merit, and I consider it indecent. I would ban.’ In one line, Sir Robert Garran, chairman of the Australian Commonwealth Book Censorship Board in the 1930s, dismissed George Orwell’s third novel *Keep the Aspidistra Flying*. The other two members of the Board concurred, if reluctantly.

‘A very dull piece of work,’ declared J. F. Meurisse Haydon, Professor of French at the Canberra University College. He agreed that it was ‘frequently indecent’ but did not think initially that it possessed ‘interest sufficient to make it a harmful book’. Dr L. H. Allen, poet and English and classics lecturer at the same institution, was stronger in his defence, allowing the novel ‘considerable merit’ with ‘crass, but not vicious, passages’, but excepting two, ‘the frustrated seduction scene, and the hotel debauch scene, which are not necessary to the development of the story and which may occasion palpable[?] offence.’¹

Keep the Aspidistra Flying is remembered as Orwell’s indictment of both mid-level English poverty and the kind of leftist politics that casts the sufferance of poverty as noble. It is an early work in the career of one of the world’s best-known literary novelists, a writer often held up as the voice of left-leaning liberalism, who developed critiques of economic inequality, moral and political conservatism and fascism in the 1930s that were extended by attacks on Soviet-style totalitarianism in the 1940s. Following the Board’s recommendation, Customs placed *Keep the Aspidistra Flying* on the list of publications banned from importation into Australia in the early months of 1937.

Censorship was one of Orwell’s targets in his essays and novels, and *Keep the Aspidistra Flying* is no exception. Its central character’s job in a

bookshop and lending library allows Orwell to portray the circulation of risqué books among typical British readers, and to discuss the book trade in general. Gordon Compstock's contempt for the giggling teenagers and old men who seek out titles like *Secrets of Paris* and *The Man She Trusted* among the 'hundreds of sex books' kept at the back of the shop is part of the character's rejection of working-class British life. Such scenes interrupt Gordon's deliberations about whether to marry his pregnant girlfriend and take back his old job in an advertising firm, a job he had given up to become a poet. Gordon ironically shares a surname with the historical figure Anthony Compstock, founder of the New York Society for the Prevention of Vice and initiator of the *Compstock Act*, which strictly defined obscenity in US publications from 1879.

These ironies were lost on Garran. Nor was the treatment of *Keep the Aspidistra Flying* an exceptional response to Orwell from Australian Customs. In April 1933, before the establishment of the Book Censorship Board, Orwell's first book, *Down and Out in Paris and London*, a frank memoir of time spent among the desperately poor of France and England, was banned by the Minister for Trade and Customs under the powers of the *Customs Act*.² Section 52(c) of the *Act* prohibited the importation of 'blasphemous, indecent or obscene works or articles'. Under Section 269 of the *Act*, the Minister had the power to settle 'in his opinion' any dispute arising and his opinion on the obscenity of Orwell was final.

Such instances have given Australian censorship its reputation for severity. In 1930, a few years before the Orwell bans, the *Bulletin* literary editor Cecil Mann vividly conjured an image of a censorious nation that has resonated through the century:

All that is suggested is that if there must be a censorship it be a competent one. Until it has been secured, or at least until the existing farce is ended, Australia will remain what it is today – a provincial, simple-minded, sport-loving, tin-god worshipping country, culturally indifferent, henpecked by ignorant officials, a sight worth looking at.³

Mann titled this denunciation in terms that are still familiar: 'Australia Remains a Joke'. His contempt was well sourced – the piece reported on a delegation of writers, journalists and booksellers to Francis Forde, Minister for Customs, in June 1930, protesting at the current censorship 'farce'.

Customs had added to the list of banned publications Ernest Hemingway's *Farewell to Arms*, James Joyce's *Ulysses*, Radclyffe Hall's *The Well of Loneliness* and D. H. Lawrence's *Lady Chatterley's Lover* as well as other lesser-known titles. On 7 November 1929, New Zealand/Australian writer Jean Devanny's novel *The Butcher Shop* became the first book by an Australian writer to be banned as a prohibited import. On 18 June 1930, the prominent Australian writer and artist Norman Lindsay's *Redheap* joined *The Butcher Shop* on the banned list, prompting the deputation and Mann's column. Despite such protests, Forde roundly declared the system would continue.

Has Australia really been so much worse than elsewhere? Many commentators agree that Australia has a history of prohibiting material freely available in most of the rest of the world and have speculated on why this might be. Australia has been declared one of the worst censors in the English-speaking world, or even the Western world, trumped in its severity only by Catholic Ireland and Apartheid South Africa. Like Mann, journalists, writers, lecturers, politicians, film-makers, theatre directors, publishers and booksellers have vociferously criticised censorship in Australia, skewering governments of different political persuasions and lambasting the country as narrow-minded and puritan, isolationist and philistine, ruthless and oppressive, even totalitarian.

But Joyce and Lawrence were banned in many countries and Hemingway's language was toned down even in US editions of *A Farewell to Arms*. Radclyffe Hall's call for recognition of lesbian love was tried and banned as obscene in the UK and released in the US only on appeal. *Redheap* was welcomed there but Lindsay was only ever a minor writer for Americans. Devanny's book circulated in the UK but was banned in her birth country of New Zealand. Orwell's two novels were finally released in Australia – *Down and Out in Paris and London* in 1953 and *Keep the Aspidistra Flying* in 1954 – after the *Sydney Daily Telegraph* in 1952 reported the removal of *Down and Out in Paris and London* from the shelves of the parliamentary library.⁴ Its ban was still in place, but the newspaper declared that the book 'had been freely circulating for 20 years'.

Has Australia really been so much worse than elsewhere? How do we know?

It is almost too conventional to lament Australia's long history of censorship, casting the country as a bastion of prudes and wowsers. Today, we understand that prohibition itself can create interest in banned material.

The history of sexuality in particular has been reconfigured around the insights of Michel Foucault, who critiqued what he called 'the repressive hypothesis' to suggest that since the sixteenth century Western European culture has engaged in perpetual discussion of sex, stimulated rather than stifled by taboos.⁵ More empirical work such as Lesley Hall and Roy Porter's history of the 'creation of sexual knowledge in Britain', however, suggests that the suppression of publications about sex *was* effective, particularly away from the English working classes in the nineteenth century. 'It may be simplistic to write off the Victorian era as one of sexual repression,' writes book historian Jonathan Rose, 'but the circulation of sexual information in print was certainly restricted.'⁶ The practices of censorship in former settler colonies like Australia, looked at in new detail, offer similar if not more substantial evidence of real restriction.

In a rarely published 1945 preface to *Animal Farm*, Orwell complained that 'the sinister fact about literary censorship in England is that it is largely voluntary', suggesting on the basis of his treatment by his publishers that a culture of reticence had perhaps been inherited from the Victorians. '[Things are] kept right out of the British press, not because the Government intervened but because of a general tacit agreement that "it wouldn't do" to mention that particular fact'. *Down and Out in Paris and London*, as his first book, was also one of the first titles published by the adventurous British publisher Victor Gollancz. While an enthusiast for his new author, Gollancz required the glossing over of swearing and some small rewriting for fear of obscenity charges.⁷ Last minute changes to *Keep the Aspidistra Flying* were also required, including to Orwell's parodic names for people and companies in fear of libel, which he resented greatly. Swear words were removed and some 'alleged obscenities' rewritten, including phrases from Gordon and Rosemary's abortive love-making. Angered, Orwell distanced himself from this early novel in later life.⁸ The banning of these two Orwell titles in Australia, despite the in-house censorship already exercised upon them for the British market, is a little-known but revealing instance in which Australia's definitions of obscenity exceeded those of most other English-speaking countries.

The severity of Australian regimes is illuminated in the treatment of books as varied as Daniel Defoe's 1722 novel *Moll Flanders*, banned in 1930, and Jackie Collins' *The World is Full of Married Men*, banned in 1968, and also of the great mass of titles deemed to have little or no merit and to be devoid of public interest. The sheer scale and reach of what was an exceptionally

successful system is instructive; across the century, Australia's censorship regimes are a powerful realisation of modern bureaucratic control matched by few.

Australia had a national border easily policed through parcel post and ship and air traffic, and a book market dominated by British imports. It had powerful federal Customs laws for the seizure of property, and established vague and multiple definitions of censorable offence, arbitrated by a minister against whose opinion appeal in the courts was expensive and likely to fail. These, combined with other complex, overlapping pieces of state and federal legislation, compounded the risk of offence rather than reduced it. Religious and civil organisations supported stricter censorship in different decades and were prepared to lobby politicians and defy opposition in the press.

There grew an administrative regime whose systemisation, secrecy and rigour attempted a complete model of rational, postcolonial modernity – protecting the new Australian nation state – but which was also attended by apparently necessary arbitrariness and unpredictability. Whose suitcase would be searched? Whose decision about a book should count? Which bit of which book was offensive? By the time publications made it to Australia, many had already been passed or accepted by other countries, but a censorship system that did not ban anything was not doing its job. It is tempting to conclude that Australia was one of the worst censors in the western world simply because it could be.

A new history

The history of Australian literary censorship is one of courtroom dramas and internecine bureaucracy, stolen libraries and police raids, authorial scandals and moral panics, famous court cases and secret lobbying, obscenity, sedition, blasphemy, libel and defamation, suitcase searches and prison terms, hoaxes and conspiracy. Writers are lauded as heroes and censors damned as philistines, or publishers damned as perverts and readers cast as moral ciphers. Censorship practice has a layered and highly complex history of secretive institutional decision-making, multiple overlapping and sometimes indeterminate regulative regimes, sometimes conflicted common law and statutory legal decisions, covert and unrecorded resistance and covert and unrecorded censorship. Estimates of the numbers of books banned through the early decades of the century have run as high as 5000.

There has been no comprehensive account of literary censorship in

Australia since Peter Coleman charted its 'rise and fall' in his 1962 book *Obscenity, Blasphemy and Sedition*.⁹ In a postscript to a 2000 edition, Coleman chose to repudiate his book and its liberal anti-censorship argument from the apparent wisdom of old age, declaring, '[t]his is a young man's book written some forty years ago on the cusp of the 1960s. In those distant days I was convinced that any restriction on any publication of any kind was an intolerable infringement of our freedom. I later lost this certainty'.

New generations after Coleman need a different kind of certainty – or at least access to more of the history – if they are to understand how censorship impacts on what Coleman calls freedom. We need to know how, why, when and what things were banned, and we need to go back and understand in contemporary terms what was at stake for those censors, for whom obscenity, blasphemy and sedition were such threats to the maintenance of national order, and for whom books as different as Petronius's *Satyricon* and Mickey Spillane's *Kiss Me Deadly* should be kept from Australian readers for their own sakes. What is at stake is not merely the ability to read such books, but to know of their proscription: the capacity to know of what we don't or couldn't know, and to assess the motivations and effects of power over such knowledge.

In general, Australia's rigorous and successful censorship regimes have been traced superficially or via the famous, publicly fought instances. This is because many of the censors' documents held in institutional archives, including the files of the Customs department, either remained uncatalogued or have been dispersed among the mountains of records generated by the everyday activities of federal government over a century.¹⁰ Police and post-office involvement was extensive but not systematically traceable, and the extent and nature of public debate and media coverage is difficult to reconstruct. The role of libraries in censorship practice has yet to be researched, especially in controlling access to publications to which the censors gave only restricted access, such as the work of sexologist Havelock Ellis.

For his 1962 history, Coleman was given access to Customs' records on federal censorship by the Minister himself (then the Hon. Denham Henty), who, he says, 'allowed me to examine without restriction the relevant . . . archives'.¹¹ In so far as they survive from 1962, those records and others, like most official documentation of activity, are partial and incomplete, even though they are voluminous, and generate sometimes conflicting and

unclear versions of what we might read as the past, and sometimes silence or contradict what we thought we knew.

New work on Australian censorship by historian Deana Heath emphasises its role in the ‘purifying’ global networks of Empire, in detailed comparison with more liberal regimes in India and Britain at the beginning of the twentieth century, while Richard Nile and others have demonstrated the importance of monopoly British interests in the book trade when thinking about the impact of Customs’ control of Australian imports.¹² This book benefits also from expanding international interest in the cultural history and sociology of print, including in censorship regimes as such,¹³ the political, social and legal frameworks of offence,¹⁴ and histories of the book as object and commodity.¹⁵ Other arguments emphasise the partiality and hyperbole of some previous accounts of Australian literary censorship. It can no longer be construed as a simple story of brutal censors and valiant writers, but has to account for wide public and political support for censorship, and motivations which, while easily trivialised by posterity, cannot be seen as historically aberrant or extreme.¹⁶

Obscenity, blasphemy and sedition

Despite its predominance, obscenity censorship – dismissed or justified as uncontroversial ‘moral’ censorship by some historians of political censorship – is yet the most unexamined, particularly the unread, offensive and excluded *content* of obscenity.¹⁷ While the moral danger has been taken for granted, obscenity’s political threat – of endangering the governing moral consensus of a nation state – has not wholly been understood. Other offences were also often imbricated with obscenity in practice because it was easier to ban. But from J. M. Harcourt’s 1934 novel *Upsurge*, influenced by political involvement with organisations like the Industrial Workers of the World and banned in part for rude insults to the judiciary, to Robert Close’s *Love Me Sailor* – its author sent to prison in 1948 for the use of the word ‘rutting’ as a (clearly unsuccessful) substitute for fucking – the obscenity itself has not, retrospectively, been regarded as the substance of the threat.

Political censorship has had more attention than other forms, but the banning of literary publications for sedition has not been much described by censorship historians. International political publications were the main target of draconian anti-sedition measures introduced after World War I and Australia distinguished itself in the 1930s by the number of imported publications

prohibited for 'advocating the overthrow of civilised government'. Customs records now allow us to examine the treatment of those titles in revealing detail. Separate objections from censors to the realist portrayal of working-class experience, characterised as 'low living', indecent or obscene, show obscenity overlapping with such political charges, particularly when the aims of banned works were to protest inequality or change society. Censors' objections could be particularly close to the charge of sedition when the supposedly obscene depictions argued for economic, political or social change; literature is able to carry both direct and indirect threats to a political order.

There are few examples of publications banned by federal Customs for blasphemy alone. Joseph Lewis' *The Bible Unmasked*, published by the Freethought Press Association, was banned by Customs in 1929 and described by a Brisbane Customs officer as 'nothing but a selection of obscene passages from the bible with a flippant and blasphemous commentary thereon'. Another Customs official objected to its classification as obscene, however, since 'this is a book of quotations!' A member of the Rationalists in Victoria wrote to the Attorney General protesting its ban, calling for a review of the book by a board of experts and noting that every Rationalist title banned by Customs was also listed on the Index Purgatorius of the Catholic Church. This was a 'very bright danger signal' for W. E. May.¹⁸

Only three other 'literary' titles banned for blasphemy feature in the records. Paster Charles Chiniquy's *Fifty Years in the Church of Rome* (first published in 1885) was banned by Customs before the 1930s and then twice recommended for release by a literary board. The boards were overruled each time, once in 1934 and once in 1950, until the book's final release in 1958.¹⁹ William McCarthy's *Bible, Church and God* occasioned discussion about the distinction between atheism and blasphemy, with a legal opinion from Robert Garran defining blasphemy as bringing Christian concepts into 'contempt or ridicule'. The Literature Censorship Board banned it as blasphemous in November 1943, identifying 'a general tincture of vulgarity and a complete absence of dignity'.²⁰ *Time and the Place*, a novel about New York publishing by Robert Paul Smith, was referred to the Literature Censorship Board with characters' use of oaths highlighted, especially 'Goddam' and 'Jesus Christ'. The Board considered it inoffensive and recommended release in June 1954, but the Comptroller General of Customs, acting for the Minister, appears to have found it blasphemous and banned it.²¹ An object disguised as a 'Japanese Bible', which shocked its reader with a springing paper snake that

popped out of an empty case when the 'book' was opened, was confiscated by Customs as blasphemous and offensive in 1933.²²

The pairing of obscenity with other forms of offence is especially evident when the censors voiced Christian moral objections to depictions of sex, which in multiple instances were imputed to include offence to Christianity and religion *per se*, or to question the teachings or even existence of a Christian God. This could occasion banning on the grounds of obscenity, a more straightforward charge, but which in effect then gathered with it the meaning of blasphemy – speaking impiously, particularly of sacred things. David Marr has noted the extensive, on-going influence of Christianity in the practice of censorship in Australia, despite secularisation.²³ Customs records show that Christian groups and lobbyists had direct and disproportionate access to political and ministerial decisions about censorship for much of the century.

Obscenity itself as a term is perhaps one of the best examples of a loose signifier, if not an empty one. Its definition is constituted in its offence and its offensive 'content' is a usually secret or excised fact, detail, tendency or impression – meaning which historically has varied according to context. Its legal definition is as an affect: offence as a produced state of feeling or experience. Like most ex-British colonies, Australian definitions are sourced in the 1868 decision of Lord Cockburn C. J. in *R. v. Hicklin*. This British case formulated the test of obscenity as having the tendency 'to deprave or corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall'. Cockburn's decision has since been continually cited by the judiciary, and forms the basis of statutory definitions of obscenity in Britain and Australia, as well as other parts of the former British Empire.²⁴

This tendency 'to deprave or corrupt' in turn is measured by almost unmeasurable shared standards such as 'public decency' or later 'community standards', or what the reaction of the reasonable reader might be expected to be. In the late 1880s, the *Melbourne Age* declared itself confident that 'the intelligence of parents and the taste of ladies' in Victorian households would obviate the need for censorship.²⁵ In 1930 the NSW Collector of Customs told the *Sydney Morning Herald* that the test employed by investigative officers in reading for obscenity was 'whether the average householder would accept the book in question as reading matter for his family'.

Obscenity exposed the terms of a heterosexual economy in which most access to intimacy, nurture, bodily pleasure, even children – all of them

as forms of feminine bodily labour – was confined to the structures of the family. It worked as a limit term through which that access was exceeded or diverted or policed.²⁶ Protest in the pages of the *SMH* identified the 1930 Customs test as ‘presumptuous grandmotherly interference with personal liberty, on the part of our fatuous Customs officials’ whose ‘mania for censoring everything’ sprang from their own ‘muddled, dirty minds’.²⁷ There is no way of defining the reasonable reader, except as the reader who does or does not find the publication obscene, as novelist J. M. Coetzee notes in his discussion of South African obscenity law.²⁸ The definition of obscenity has long remained circular.²⁹

Obscenity differs from pornography legally in that it is one of the varieties of the offensive, involving what legal theory can call ‘disliked mental states’ – disgust, shock, repulsion.³⁰ And it is this offence that gives obscenity as a concept its content, even as this content is able to change over time – to cease to offend and to newly provoke – because its meaning is located in its effect. In its claims to moral critique and ideological complexity, literary obscenity in particular can reveal many foreclosed possibilities for the representation of a nation’s sexual life – its ability to limit its own options – and expose the ways in which the bureaucratic instruments of that culture defined a moral threat.

Literary censorship

Reading has not always been regarded as a safe activity. In 1887, the Melbourne *Daily Telegraph* warned that ‘there is scarcely anything so corrupting as an evil book’:

It taints the imagination; it poisons the very springs of action; it infects the intelligence by filling it with a knowledge that defiles. Such books in the hands of mere lads may easily taint an entire life; in the hands of whole classes, in whom the passions are unregulated, it may kindle an evil fire which will break out in actual crime.³¹

In 1923, the *Argus* could declaim that ‘there are still people who consider that *all* imaginative literature is harmful – a belief that was very widely held until a generation ago. They will not read any novels or any poems that are not devotional’.³²

Contemporary readers are more familiar with the notion that literature

by definition is not pornographic, and from the early modern period but particularly in the wake of British legal decisions in the mid-nineteenth century, the artistic and the literary have been defined against the obscene. Rather than allowing an absolute distinction in practical and material terms, however, this counter-definition of literature and pornography as consumable categories in many ways has reflected their mutual dependence.

In paralleling the aims of eighteenth-century literature and pornography, French critic Jean Marie Goulement emphasises the fictivity of porn, arguing apparently perversely that of all written genres pornography best realised the aims of realist literature, in as much as it was a world more exactly and perfectly felt. 'In pornographic novels,' explains Robert Darnton, 'unlike other kinds of narrative, the words printed on paper produced an unmediated, involuntary response in the body of the reader. The fiction worked physically, as if it could insinuate itself into flesh and blood, abolishing time and language and everything else that separated reading from reality'.³³ Reversing the commonsense definition, Goulement and Darnton suggest that it was exactly in its masturbatory effect that pornography could claim to be most literary.

In the same vein but with different logic, Thomas Laqueur argues that it was private reading itself that made masturbation possible – no matter what a book contained – or that reading and masturbation have been understood similarly, at least. 'Private reading bore all the marks of masturbatory danger – privacy and secrecy of course, but also the engagement of the imagination, self-absorption and freedom from social constraint.'³⁴ During the international moral panic about the influence of comics and pulp publications on young people in the mid-1950s, a member of the New South Wales parliament suggested a logical link between such reading and solitary sex: 'Let us consider the case of a young man who is lying in bed reading a cheap novel'.³⁵ Constrained by parliamentary conventions from extrapolating, his meaning was clear: wrong reading caused wrong sex, or improper and illegitimate sex, particularly 'solitary sex', as Laqueur terms it.

What is meant by 'literary' censorship? What kind of books were at once literary and wrong? Just cheap ones? Australian Customs censorship administration itself established definitions of the literary, categorising material not only according to offence, but to perceived notions of artistic or scholarly worth. Publications of all kinds were first distinguished practically and legally from other media – film, but also music (gramophone records

and later forms of recording), print journalism, radio and television, and later electronic forms – and handled separately. Customs next drew distinctions between literary and non-literary publications, in an era in which such distinctions reflected the moral or social importance of literature in the world, especially the English-speaking, literate world of the former British Empire. This was even though the *Customs Act* made no allowance for artistic merit as a defence against obscenity – it was only public criticism from the early 1930s that forced the censors to consider it. As a legal defence, literary merit moved in and out of Australian state legislation through the twentieth century, reflecting political shifts and changing moral concerns that often differed between states.

After 1933, federal policy required that a title with a claim to literary or scholarly merit be referred on to a board of experts, who would advise the minister as to its offence. Peter McDonald explains the paradoxical way in which the members of South Africa's equivalent literary censorship board were at once the agents of censorship and what he terms the 'guardians of the literary' or 'the literature police'.³⁶ They were directed by American New Criticism's formalist definitions of the literary: Australia's Book Censorship Board looked rather to its members' classicism and legal training, at least in its early years.

Customs' administrative, legal and bureaucratic distinctions are useful because they allow us to view a defined category of publications without detouring through the long aesthetic debates about what constitutes literary or artistic merit in the abstract. Censorship regimes actively, even assertively, defined the literary by distinguishing it from pornography or obscenity, and via the classificatory judgments made by Customs clerks and censors as to the worth of publications. Was a book 'good' enough to be referred, or could it be banned directly?

Their notions of the literary did not always correlate with scholarly conceptions of literature, or even commonsense views, however. In selecting titles to refer to the boards, Customs officers could both misrecognise books and assertively redefine their worth, as well as require the Board to provide opinion on non-literary publications in order to establish broader practice. Titles of scholarly merit, on birth control, sexology, ethnography and sex advice in particular, were referred to the different boards throughout their tenure, as well as significant numbers of undeniably popular, pulp and pornographic publications. The legal and academic members of the boards,

in their turn, had to establish their own logic of what constitutes a literary work even as their decisions were definitive in practice.³⁷ The decisions of the clerks and the members of the boards record a complex material history of the literary in Australia, demonstrating its nominal principles, limits and its application as a legal concept. For much of the middle decades of the century, books could be banned if they were considered not good enough not to be.

This book works with this practical definition, drawing on the records of Customs' activities to delimit its focus. It also explores bans on non-literary publications, as Customs defined them, where these instance particular cultural anxieties or crises, such as the mid-century debate about comics. Whether federal or state-based, publications censorship prohibited many, many more non-literary titles than literary titles, including popular, ephemeral, political or evidently pornographic publications. The number of publications banned by Customs officials in the decades between the late 1920s and 1973 reached nearly 16,000, with literary titles amassing only around 500.³⁸ Non-literary publications were deemed to be of no public interest and their banning not reported by Customs, even when the banned list finally began to be released to the public, first in the *Commonwealth Gazette* in 1958.³⁹ The banning of literary titles, on the other hand, created public furores on many occasions.

The censorship of literature – of books with claims to artistic or scholarly merit – has been the public story through which the aims and effects of Australian censorship regimes have been measured, whether by critics or advocates, through the twentieth century. Theatre and media censorship also attracted debate, but not in the same volume, and film censorship only overtook literary censorship as a matter for public concern in the last decades of the century. Magazine and video censorship, while constituting the majority of censorship cases now, has not been able to excite comparable public protest campaigns, while campaigns for and against electronic and Internet censorship are relatively new phenomena. The banning of literary books has formed the public history of a secret process that actually targeted much more than just literature.

Twentieth-century offence

The Censor's Library identifies seven broad categories of offensive meaning in Australian literary censorship. The categories demonstrate how definitions

of offence changed over time and show that many forms, like obscenity, are imbricated with, and even defined through, other forms. The book charts the transformation of censored offence as different forms moved in and out of prominence; while some categories became obsolete as the twentieth century moved on – as has been the case (although not completely) with the representation of birth control methods – others have been remarkably durable. Some kinds of offence, especially in the representation of juvenile sexuality, now attract more concern than previously. It is not the exact meaning of obscenity as a concept that has changed – there is no such exactitude – but the gamut of sexual expression that it encompasses.

Controversy over the classification of birth-control information as obscene has been a determining feature of censorship regimes in Australia. The first of the book's thematic chapters links the regulation of sexuality and reproductive practice to the 'fantasy' of White Australia,⁴⁰ detailing the use of the *Customs Act* and the *Post and Telegraph Act* to ban and restrict the circulation of birth-control material, despite a world-leading decision by Justice Windeyer in a NSW court in 1888 that declared birth control not to be obscene. Postal and Customs censorship directly targeted birth-control information even though its legal status as offence was not clear, and conflict between Customs and the Literature Censorship Board played out this tussle amid 'populate or perish' imperatives.

The next chapter examines the history of literary sedition in Australia. World War I established the means and motivations for comparatively severe political publications censorship until the end of World War II, and titles with claims to literary merit were not exempt. Connections between sex and socialism, as the political threat deemed most dangerous, feature notably in banned literary books.

Australia has attracted notoriety for banning famous books and Chapter Five tells the stories of bans on some iconic works, drawing on new detail from the files. It explores Australia's response to modernist literature's interest in sexuality and in shifting the boundaries of sexual expression. Much more frequently and secretly, Australian censorship also banned any material with real or identifiable hints of homosexuality. The extensive censorship of homosexuality and non-normative sexual desire in Australia remains in many ways an untold story, deeply significant in its own right and a profound challenge to the moral models of Australian nationhood.

Working-class representations were also censored, usually for their

use of offensive language and often in the portrayal of working or serving men. In the immediate postwar period these were Australian rather than imported publications, and their offence had to be met with prosecutions rather than Customs restrictions. A series of ‘show trials’ demonstrated a concerted effort aimed at obscene language across state and federal regimes. The largest of these resulted in the infamous jailing of Australian novelist Robert Close in 1948 for his sensationalist novel *Love Me Sailor*. Prosecuted under the arcane criminal rather than civil charge of obscene libel, Close was sentenced to three months’ jail for tending to corrupt not just individual readers but ‘the morals of society’. This was the last Australian case in which a literary author was sent to prison for obscenity and its ramifications are far-reaching.

Chapter Nine examines the way in which federal censorship aimed to protect large parts of the population from moral corruption, as modern mass readerships began to demand access to all kinds of books and mass literacy brought new kinds into circulation. Banned bestsellers such as Kathleen Winsor’s *Forever Amber* (1945) show that the class-based tastes of the censors dictated definitions of obscenity aimed specifically at banning cheap and popular books. Changes in legislation in the second half of the century identified incitement to crime, violence and sexualised violence as extra forms of offence, closely related to obscenity, and targeted pulp and popular publications.

The regime stumbled badly when J. D. Salinger’s *The Catcher in the Rye* had to be removed from the parliamentary library in 1957, however, and the ensuing scandal saw the first complete review of the banned list in its history. Chapter Ten also examines the role of local literary figures in assisting or resisting censorship, as notable international legal decisions pressured Customs too. The banning of James Baldwin’s *Another Country* in 1963 is a revealing instance in which the significance of African-American critiques of sexualised racism for Australian practices was noticed and then refused. Chapter Eleven explores the ways in which censorship worked to maintain Australia as ‘an Anglican European community’ protected from sexual knowledge through the mid and later decades of the century.

In response to international opprobrium and domestic challenges, federal and state censors began to revise their approach; Chapter Twelve details the pressures that lead to the transformation of censorship regimes by the end of the 1960s. Chapter Thirteen sketches the final and most

spectacular challenges posed to Customs and state censorship in its last days. After the election of the Whitlam government in 1972, Customs' long control over federal censorship was finally ceded. By the end of 1973, the banned list was reduced to zero.

Was this the end of literary censorship in Australia? Chapter Fourteen provides an overview of the wake of liberalisation, examining what came 'out from underground' as Australian society embraced new freedom of expression. By the end of the 1980s, the new system of 'classification' had instituted a new regime of cultural control, in response to old moral anxieties that had not gone away, expressed by new lobby groups, as well as new anxieties about video technology, child pornography and pornography's role in – or as – violence against women. This new system attempted to formally do what Customs had only done case by case – define the content of obscenity legally and absolutely.

How has 'classification' served Australian cultural consumers? Peter Coleman's study was ammunition in the successful campaigns against severe censorship of the 1960s and 1970s, even as it sketched a fall in censorship. But in the 40 years since its publication, and certainly in the last half-decade, protests assert that censorship has risen to worrisome levels again. Rather than literary works, simply defined, the censors have focused on popular magazines and comics, video, theatre, art, television, computer games and cinema. Crime and violence have featured as more heavily weighted offences, while the revival of sedition laws in the mid-2000s alarmed many and saw serious books banned for the first time in many years, or even censored before publication. The history of literary censorship offers clear lessons about the tendencies of contemporary censorship.

If the aims of Australian book censorship can be identified, what have been its effects? What kind of social reading world did the censors imagine and what kind of readers did their decisions produce? Almost every reading Australian over a certain age remembers an encounter with a banned book; if censorship isn't absolute, is it yet determining? What kind of reading country did it make?

Shipping, air and parcel post

For much of the twentieth century, Australia's censorship regimes were highly complex and multi-layered, grown from legislation introduced by individual colonies in the mid- to late-nineteenth century. Most accounts date the beginnings of concerted censorship in Australia from the 1880s, although some start with the pronouncements of colonial governors from the 1840s and earlier.¹ Legislation differed in intent and scope between the colonies, and varied for the public fora of theatre, film and publications, including popular publications, literature and advertising, as well as newspapers, and later for music, radio and television.² After Federation, the varying regimes were overlain by the legislation and responsibilities of the new federal departments and agencies, while the state governments also introduced legislation and some new *Obscene Publications Acts*. Acts covering some aspect of censorship have been so numerous in Australia that historian Deana Heath declares a 'superabundance' of them, and this proliferation measures the powers accrued through incremental over-governance as much as any motivating moral anxiety.³

Federal censorship of publications was first exercised by the Commonwealth Trade and Customs Department and the Post Office, with advice from the Attorney General's department at certain points. Customs was by far the most powerful, able to seize and prohibit the importation of goods and publications deemed obscene, indecent or blasphemous under the *Customs Act 1901*, Section 52(c), without reference to public opinion, or legal and expert advice. Customs maintained offices in capital and regional

cities and administered central decisions first from Melbourne. After 1927 the department moved to Canberra, the new national capital, where the office of the permanent head, the Comptroller General, centralised censorship administration. Under legislation passed by Prime Minister Billy Hughes in 1921, the Attorney General's office was given some responsibility for decisions relating to titles referred by the postal service, importers and booksellers, members of the public, the Health department and state departments and agencies, as well as decisions on seditious publications.⁴ Between 1935 and 1937, the Attorney General alone determined the release or prohibition of publications accused of sedition.⁵

Domestically produced material was out of Customs' remit, controlled instead by police, vice squads, postal regulation, and civil and criminal prosecution under the proliferating censorship and obscenity acts, which differed across state borders. Local publications have also been vulnerable to federal postal restrictions, under the *Post and Telegraph Act*, as well as other charges under state laws including libel and defamation suits. Most of the more sensational cases of literary or book censorship in Australia – those that were pursued through the courts – have been prosecuted under state legislation.

Other relevant Acts used to exercise control over the production and circulation of publications include *Crimes and Vagrancies Acts*, *Wrongs Acts*, *Public Health Acts* (including any specific *Venereal Diseases Acts*, particularly relevant to film censorship), *Commerce Acts*, *Printers and Newspaper Acts*, *Theatre and Public Halls Acts*, defamation legislation, and acts regulating advertising, gaming and the protection of children.⁶ Some states introduced registration requirements for publishers and booksellers to regulate distribution, particularly in the second half of the century. This nexus of interlocking legislation formed what can properly be called 'regimes' of censorship – systems of government with widespread influence or control, reinforced where they overlapped. The reach of regimes was determined by parliamentary power over geographic areas (states) and polities (the federated nation), and was exercised simultaneously in ways that were often, but not always, complementary.

As a form of power, governmental censorship is a direct assertion of control over communities and individuals with the aim of social good. It is also 'the knot that binds power and knowledge', as US scholar Sue Curry Jansen puts it.⁷ Australian regimes were powerful and multi-form –

singular neither in aim nor administration, yet able to exercise systematic and generally rigorous control. In political terms, this kind of power is experienced as hegemonic – dominating and unrivalled, effective at a national level – but in administrative terms, it can be seen as a feature of governmentality, in which power is exercised from multiple locations and through multiple instruments. If governmentality is about regulating ‘the conduct of conduct’, its aim is the production of culture, and its features are evident in the activities and effects of censorship at many levels.⁸

At the same time, censorship in Australia has been a profoundly modern rather than diffuse postmodern endeavour, its scope universal and its operations instrumental. Italian political theorist Antonio Gramsci’s definition of hegemony nominates the dominance of a single power bloc, naturalised as authority or commonsense: Australian censorship claimed this authority powerfully and continues to do so. Federal censorship enacted through the *Customs Act* was the dominant power in the regimes and political consensus on moral control formed its authority. Arbitrariness in the system was to some extent a feature of the profusion of legal administrative powers, which allowed for contradictory and conflicting procedures and definitions, and use beyond their legal limits. But this arbitrariness can be seen to have contributed to hegemonic control, rather than dispersing it.

The periodic ability of an individual or a group of people to avoid censorship and to protest and resist such control indicates the impossibility of complete control. In internal memos, even Customs recognised the limits of the department’s abilities to censor. Such exceptions, however, are not a mark of the collapse or failure of power; they trace instead the dynamic ways in which power necessarily produces its own counter-forces. The measure of the power of Australian censorship regimes is not found in the legal or administrative landscape alone, but in the effect of prohibitions on a population. It was not only singular individuals that censorship aimed to benefit or control, producing compliant reading or viewing subjects. Other, more explicitly articulated aims were to maintain certain political and religious interests and groupings, to reinforce particular social divisions and hierarchies, including class difference and racialised identity, and especially to bolster the family: censors explicitly defended their practice as a form of nation building. Censorship could be both a blunt and a sharp-edged instrument for government, representative even when arbitrary, and at once repressive and productive.

Censorship and colonialism

Federal censorship in Australia was a product of the economic and ideological structures of Empire but also a flagship endeavour for the new white nation. In as much as national Customs control was the principal symbol for the new unity of the states, the censorship responsibilities of the Department of Trade and Customs could be used to assert national independence from the British Empire and the rest of the world. The inclusion of such powers within the gamut of 'Trade and Customs' shows morality conceived of as a national condition. Effectively, Customs drew a line around the island continent, closing its borders to that which was determined not to be Australian. Readers continued to read in English, however. With the great majority of publications imported from Britain, part of the imperial spread of 'Englishness', censorship's aims and effects were always delimited by the economic dependencies of Empire. Reflecting its imperial vision, the Home Office tried to but could not always exercise a controlling hand over Australian regulation.

The main arch of the regulation of print pornography spans 1850 to 1950 in most English-speaking or European countries, as the 1986 US Meese Commission on Pornography noted.⁹ After critical decades in the late-eighteenth and early-nineteenth centuries, which defined pornography more and more distinctly in the UK, the first US conviction under the common law crime of obscene libel occurred in 1815, in the Pennsylvania case of *Commonwealth v. Sharpless*.¹⁰ In 1853 the British *Customs Consolidation Act* incorporated an express prohibition on the importation of obscene or indecent articles and in 1857 the *Obscene Publications Act* was introduced by Lord Campbell into the British Parliament, where it was passed despite eloquent opposition in both houses.¹¹ The 1868 *R. v. Hicklin* ruling and the 1879 US Connecticut ruling, occasioned by the efforts of Anthony Comstock, formalised a web of legal restrictions and broad criminal sanctions on sexual speech and commerce. By the end of the nineteenth century, this international body of law was restricting the national and international circulation of English-language materials related to sexuality, birth control and abortion, and forms of representation designed to arouse.

This span parallels the most expansive phase of European imperialism. The interdependent relations of colonialism with the formation of modern 'nationhood' and the growth of modern print culture have been traced by influential scholars such as Benedict Anderson and Homi Bhabha, but the

story of literate Empire has not followed the shadowed trajectory of outlawed or underground publication that underlies this development. While the spread of 'Englishness' through the Empire was effected through the export of English literature and literary culture, that imperial identity was both consolidated and undermined by the concomitant spread of unsanctioned publications from the centre to the margins, and eventually back again. At the same time, settler Australia's censorship systems were developed not only in relation to imperial Britain and the developing power of the US, but in contrast or parallel with the white British dominions of Ireland, New Zealand, Canada and South Africa, and to some degree in distinction from the non-settler colonies of India, Asia and Africa. Their colonial identities were effective products of what those colonies refused to read as well as what they welcomed.

Obscenity and Empire

In her work on French and Dutch colonialism in Southeast Asia, Ann Laura Stoler uses the concept of 'interior frontiers' to describe the way in which the colonial regulation of racialised sexual morality could define national identity: 'Deeply sedimented discourse on sexual morality could redraw the 'interior frontiers' of national communities, frontiers that were secured through – and sometimes in collision with – the boundaries of race.'¹² Stoler's discussion of Dutch colonial novels notes their representation of non-bourgeois, non-white women as inevitably erotic and sensual, in a context that 'linked subversion to perversion, racial purity to conjugal white endogamy, and thus colonial politics to the management of sex'.¹³ The imaginative space of the colony, argues Anjali Arondekar in her work on colonial India, was a 'breeding ground for a spectrum of imagined sexual vices that in turn vivify the rhetoric of an evangelical civilising mission'.¹⁴ Obscenity and Empire were coeval and mutually dependent, their defining relations established by the colonising project itself.

In Britain, moral reformists in the late nineteenth century campaigned against prostitution, raised the age of consent for British and white girls around the Empire, targeted alcoholism and masturbation as social evils, protested against sexual violence and argued for the rights of women to bodily integrity. In specific instances, they articulated such concerns not only as medical and moral issues but as 'racial' problems, concerned with the preservation of the British 'race', nation and Empire.¹⁵ Racial 'degeneracy', as

it was conceived, reflected an amalgam of ideas produced by late imperialism, in which the notion of racial superiority justified Britain's claim to continue to govern vast portions of the globe. Its uneven conceptualisation as moral superiority was witnessed in the regulation of the sexual lives and gendered status of colonial subjects from India to Australia,¹⁶ while the connection between 'racial purity' and social, literary and cultural purity was made strongly not only by moral campaigners in Britain and the colonies, but by colonial administrators and some governments. Deana Heath argues that settler Australia in fact distinguished itself in this regard.¹⁷

Especially after Federation, Australian censorship regimes provided just such an 'interior frontier' and a highly effective one. The *Customs Act* left the key concepts underpinning censorship indistinct, relying on British conventions for definitions of obscenity and blasphemy, with broad further powers available through proclamation. And rather than merely reproduce the moral standards of Empire, Australian legislators were able to introduce measures that even prohibited material from Britain. Two days after the British *Obscene Publications Act* Bill was introduced in the House of Lords, news of the Indian Mutiny reached London. Michael Roberts argues that this made Parliament 'more receptive to a paternalist, imperial set of social priorities at home as well as abroad'.¹⁸ Australia adopted that *Act's* definitions but was able to implement them more strictly and effectively.

The closed colonial book trade made Australia Britain's largest and most lucrative export market for books, especially after World War I.¹⁹ While imports of British books more than doubled between 1893 and the war, they trebled between 1919 and 1935.²⁰ By the 1920s, Australians were consuming about 3.5 million imported books annually (as an average) plus 1 million more secondhand.²¹ The best-selling authors were Zane Grey, Arthur Conan Doyle, J. M. Barrie and the doyen of British romance writing, Baroness Orczy. The biggest-selling novel by an Australian in 1935 was Fergus Hume's mega-successful detective novel from 1886, *Mystery of a Hansom Cab*.

The control exercised through the closed book trade was supplemented by close correspondence between British and Australian censorship authorities. The Home Office and Scotland Yard had influential access to the Australian regulators, writing directly to the Department of the Prime Minister or the Governor General to both warn against the circulation of publications from Britain and to complain about the arrival of Australian

examples in Britain, as in the case of Sydney sex reformer William Chidley's *The Answer* in 1913.²² It is not straightforwardly evident that Britain could exercise systematic control over censorship in Australia, however. The earliest Australian document relating to federal censorship is a letter from the Governor General to the British Secretary of State for the Colonies in 1903, forwarding a Spanish advertisement for publications 'calculated to occasion great injury to public morals', and requesting that representation be made to the Spanish government to keep such circulars out of 'any part of the Commonwealth'. Evidencing Australia on the front foot in any 'imperial censorship system',²³ Australian regimes did not merely follow British practice, even if still unable to negotiate directly with other nations except through Britain.

Britain gained new auspices to monitor Australian censorship in the 1910 *International Agreement for the Suppression of Obscene Publications* and the 1923 *International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications*, sponsored by the League of Nations. After signing the first agreement, Australia declined to sign the expanded Convention until 1935; Heath suggests that this was not because it was opposed to censorship, but because it considered its own system superior to Britain's and those of most of the other signatories.²⁴ Although Australia had not signed, it did send the League annual reports on obscene publications, while there was ongoing discussion in government about the need for the involvement of the states.²⁵ Writing to the Department of External Affairs, in communication with the Home Office about the traffic in obscenity, the Director of the Attorney-General's Department noted in January 1930 that Australia already had a 'very strict examination of literature' and 'books prohibited in Australia were sold openly, not only in foreign countries, but in other parts of the British Empire', including Britain.²⁶

In a much-quoted address to the writers of Britain, the Home Secretary William Joynson-Hicks in 1928 explicitly articulated literature's moral role in sustaining the 'purity' of the Empire:

The tone of the Empire comes from you the authors of our land. If the tone is pure, the blood will go on pulsating through the whole world, carrying with it purity and safety. If the stream of the blood is impure, nobody can tell the effect it will have right through our Empire.²⁷

This admonition was not enough for Australian censors, while the writers of Britain pointedly ignored it. Departing from imperial precedents only so far as to implement stricter regimes, censorship in Australia was a central precept through which the character of the new nation was established, and not only for its citizens but as a model for the rest of the world. In 1935, Customs Minister Thomas White refuted arguments that Australia should admit all publications circulating in England. This might 'sound reasonable and a fitting Empire gesture', but 'the fact is, that in the enormous output in Great Britain there are produced some of the worst examples of obscene and indecent literature.'²⁸ As Heath has argued, if Britain could no longer do so, white Australia would set the moral tone for the Empire itself.²⁹

Colonial pornography

Within this same imperial economy, the colonies had been cast as new sources of dangerously exotic pornography and deviant obscenity. This was even as the 'sourcing' was undertaken by elite members of Britain's establishment. In an extraordinary and highly explicit essay, *The Sotadic Zone of Sexual Inversion*, explorer and colonial administrator Sir Richard Burton argued for a special geographic zone in which homosexuality is naturally practised, drawing on his extensive experience in India, Africa and the Middle East. Published as the 'terminal essay' to his 1885 translation of the Arabic erotic classic *A Thousand Nights and One Night*, it circulated only as an offensive, underground text until the middle of the twentieth century. Australia was not included in the Sotadic zone, however, its climate being too removed from the Equator.

Rather than an agent for 'purity', the imperial endeavour itself was bound up with the production of a new kind of pornography, driven by the often sexual interest of wealthy white men in the lives of the colonised.³⁰ While Australia was beginning to envision itself as a 'quarantined nation', repulsing the degenerate products of metropolitan Europe, most British colonies were being exploited as sources of obscene material, particularly of pornographic images. With fellow members of the London Anthropological Society, which was at the forefront of British imperial ventures, Burton was among an elite group of men who produced a notable portion of British pornography from the 1860s through to the 1880s.³¹ Describing Burton's attempt in Africa to source a human skin stripped from a living woman to bind a friend's copy of the works of the Marquis de Sade, Lisa Sigel describes the Society as

a source for publications on hermaphroditism, incest, clitoridectomies, 'the dancing girls of Southern India, fertility rituals, prostitution, polyandry and polygamy' in colonised societies.³²

Indigenous Australian women and men were posed as objects of this imperial porn, extrapolated from the formal anthropological studies of colonial photographers, in images traded around the world. While Europe remained the source for most pornography, images in this class were sent from Australia back to a British market of elite consumers, despite Australia's increasingly strict censorship, and traded from there. In a loop of imperial exchange, elite white men in Australia such as book collector David Mitchell, whose extensive collection of Australiana forms the basis for the Mitchell Library in Sydney, were able to source pornographic titles in many forms from British markets, again despite Customs controls.³³ By the early decades of the twentieth century, imperial networks, British control over the book trade and Australian Customs censorship saw newly national Australia banning pornography imported from Britain that originated in the colonies.

Prominent examples include the multiple versions of *A Thousand Nights and One Night* banned by Customs. Dr J. C. Mardrus's translation was described by Customs officials as more objectionable than Burton's and banned in 1930.³⁴ A separate publication of *The Sotadic Zone* was given restricted release by the Literature Censorship Board on 22 October 1937, but only because so much of its offensive content was in Latin. The Board then released the Mardrus version in 1938, after one member noted that a copy was held in the Parliamentary Library, while a *Sydney Morning Herald* journalist wrote complaining about the ban in February 1939.

Nudes of All Nations from Routledge in the UK was referred in 1937 and passed by the LCB.³⁵ *The Darkest Orient*, also from London, however, was banned in 1938 as 'merely a pretence for publishing descriptions of sex practices and perversions in certain Eastern cities'.³⁶ Dr Jacobus's *Untrodden Fields of Anthropology: Anthropology of the Sexual and Social Lives of Strange Peoples* was passed by the Board on 8 March 1938, while similar titles from European scholars were placed on restricted circulation throughout the 1930s.

Two other titles from Falstaff Press in New York were seized by Western Australian Customs in late 1935 from a teacher at Perth Boy's School. *A Private Anthropological Cabinet* and *The Sexual Relations of Mankind* were then forwarded to the Book Censorship Board. Because they were limited editions with 'private' circulation, Garran declared his suspicions that they

were 'meant for collectors of indecencies . . . The Board rather distrusts *editions de luxe* of this kind'. Both books were banned as pornographic on 5 January 1936. A. J. Hadebaum wrote to Customs protesting, asserting the books were scientific studies important to his work for an MA at the university addressing current national issues: 'The Aboriginal question is bound up with it, and also the "White Australia" policy as vital questions'.³⁷

A Private Anthropological Cabinet, collected and annotated by anthropologist Robert Meadows in 1934, included 500 photographs and drawings and described itself as:

A private anthropological cabinet of 500 authentic racial-esoteric photographs and illustrations after the originals from scientific explorations, field studies and museum archives, portraying intimate rites and customs, racial types of beauty, phenomena of childbirth, freaks, ethnic mutilations and many other curiosities of the erotic life of savage and civilized races of mankind.

Privately issued, 'for mature subscribers only', typical images of the 'pornotropics'³⁸ make up the body of the book – photographs of topless and naked women and girls from Samoa, India, Tunisia, Java, Kenya, Abyssinia, Japan, Nauru, as well as Aboriginal Australian women identified as being from Wagga Wagga and Queensland, with 12 and 14-year-old 'white' girls from Europe included in apparent contrast. Meadows' pseudo-medical commentary on these and on illustrations sourced from ancient and Oriental pornography did not succeed in masking the book's principal function, as a repetitive voyeuristic tour of subject femininity.

Professor Paulo Mantagezza's *The Sexual Relations of Mankind* (first published in English translation by James Bruce with the Anthropological Press in 1932), however, was a different kind of book. In May 1937, the Literature Censorship Board reviewed the decision to ban it when a new translation by Samuel Putnam, from the Eugenics Publishing Company in New York, was referred by Comptroller General Edwin Abbott. The LCB this time allowed restricted release to libraries, articulating significant respect for Professor Mantagezza as 'a pioneer in the field of sex-psychology'. A supportive report from Kenneth Binns, Parliamentary Librarian, noted that as the third in a highly influential series from the scholar the title had received 'world-wide recognition' and was a foundational work in the field.³⁹

By the 1930s, white Australia's moral nationhood was repelling examples of Orientalist exploitation not at the Empire's behest but on its own behalf. It was also making its own mistakes, its isolation not only from Britain but from developing European and American thought on sexuality a perpetuating effect of its successful censorship systems. As did sedition censorship, particularly of British socialism, obscenity censorship asserted Australia's independence from Empire. While the model was imperial purity, the effect was national isolation.

Anglo-Saxon standards

As late as 1951, the Board could describe its role as a bulwark for 'Anglo-Saxon standards of reticence': more specific even than 'white'.⁴⁰ Fernand Kolney's *The Amorous Adventures of a Gentleman of Quality*, translated from the French in 1933 and banned in Australia until 1972, prompted that claim. Similarly the Board warned that the 'Gallic sexuality' in Jean-Paul Sartre's 1949 collection *Intimacy* was 'somewhat startling to the average English mind', even as they passed it, while one member identified American literary critic Edmund Wilson's *Memoirs of Hecate County* as 'far beyond English literary conventions'.⁴¹ Australian authorities were proud to reject publications accepted in New York and London, as Christina Stead's *Letty Fox* and the extended ban on *Lady Chatterley's Lover* attest. For much of the century, the Australian censors read for an imperial ideal – or exercised English reading, more exactly – even if England itself no longer did.

Migrant readers of European background, the majority of migrants under the 'White Australia' policy, had their literary reading restricted in similar ways, although all local and imported publications in German during World War I, and Italian and German in World War II, faced bans and restrictions.⁴² Translations of banned English-language titles were conscientiously targeted where possible and risqué European books and magazines were also reviewed, especially those in French, German and Italian. Socialist titles in Czech, Slavic, Italian and other central European languages were targeted by censors in the 1930s, bans severing the connections of restless working-class migrant populations to European political unrest. Aboriginal readers appear rarely in the records, reflecting both low rates of literacy and Australia's embrace from the later 1930s of assimilationist ideologies, acculturating colonised populations into white models of national belonging.

In 1938, Customs Minister White forwarded a newspaper clipping from the Sydney *Sun* to Dr Allen, as the new Chairman of the LCB. It reported that the full South African banned list had recently been published and had 'lately been considerably extended'. The Australian list remained a Customs secret. According to the *Sun*, the South African authorities were then 'being guided in their decisions by the fact of the various native population which, it is claimed, may achieve an undesirable outlook were it to be introduced to pictures of naked women or to frank discussions of sex relations'.⁴³ The Minister's action in sending that report did not necessarily parallel the aims of the Australian regime with those of white-ruled, black-majority South Africa and, while suggestive, comparisons can be ambiguously construed. Then a racially segregated British dominion, the Union of South Africa established a Board of Censors with advisory powers in 1931, following the Catholic Irish Free State in 1930.⁴⁴ Both of these were available models for the new Australian Book Censorship Board in 1933 and Customs did draw on the draconian Irish laws.⁴⁵ Australian regimes did not, however, set out to target the 'various native population'. In 1938, South Africa's banned list was public, but had been extended; Australia's was secret, but some titles had recently been released.

Certainly censorship practice was linked with a race-based national imaginary for most of its existence in Australia, but it was the phantasm of white Australia that formed the taken-for-granted reading constituency. Practice was formulated in response to race panics and falling white birth rates at the turn of the century, and in broad effect was part of the long reign of the 'White Australia' policy. Censorship acted to foster reproductive 'whiteness' in so far as it could, transmuted into an abstracted English morality attached to Empire.

The span of Australian censorship

Australia's censorship history from 1850 to 1950 matches the span tracked by the Meese Commission. Full press censorship applied in the colonies from establishment until 1823, but systematic publications censorship developed later in the different colonies. After 1850 the activities of the colonies were not uniform but they all passed *Police, Vagrancy and Indecent Advertisement Acts* derived from British precedents. While only Victoria, New South Wales and Tasmania passed *Obscene Publications Acts* based on Lord Campbell's *Act*, those Acts went beyond its scope by specifying penalties.⁴⁶ After

1950, however, rather than a decline in regulation, Australian censorship continued or was further strengthened, despite increasing protest after the 1957 *Catcher in the Rye* scandal, and maintained significant control until the late 1960s and early 1970s.

From 1880 to 1901, cases pursued by Victorian Customs in particular established protocols for banning offensive imported publications. The seizure of a consignment of 162 novels translated from the French and imported by freethinking Melbourne bookseller Edward Cole in 1889 by Victorian Customs was a reaction to the prosecution of Albert Vizetelly in the UK, as the publisher of naturalist French novelist Emile Zola. Both Coleman and Heath cite this case as the beginning of the use of Customs as a force for moral censorship in Australia.⁴⁷ Around the same time, the prosecution of free thinkers and birth-control activists in the colonial courts for the distribution of offensive publications resulted in one particularly liberal decision. Justice Windeyer in 1888 declared birth control content not obscene under the Hicklin test, so distinguishing Australia from US and UK rulings, and established a precedent that was inconsistently applied for the next five decades or more.⁴⁸

In October 1901, nine months after political union of the colonies, the new federal *Customs Act* was proclaimed, but much confusion about the roles, regulations and activities of the different Customs offices remained, even as the new department heads emphasised the need to focus on international rather than interstate trade.⁴⁹ During this confusion, the new Department of Trade and Customs launched its first prosecution against a book importer, charging bookseller George Robertson in Melbourne over the importation of Honoré de Balzac's *Droll Stories* and Paul de Kock's *Monsieur Dupont*. As was the case in Britain, it was again translations of French writing in the naturalist and realist school that offended.⁵⁰

After this legally successful but popularly derided prosecution, it has been presumed that Customs withdrew from the active policing of imported publications until 1929. Coleman asserts that by 1928 'the complete list of banned works of literature was made up of [only] three books', suggesting that modern literary censorship in Australia effectively began with the ban on Joyce's *Ulysses* in May 1929. He proffers this as a sharp end to a period of laxity and freer circulation, and then declares that between 1929 and 1936 the banned list exploded from these nominal three books to 5000 items.⁵¹ This widely-accepted argument seems to have been reached on the basis of

the paucity of Customs records prior to 1927, however, rather than evidence of more liberal practice. Coleman himself suggests that Customs records were destroyed on the move from Melbourne to Canberra in 1927 and Ina Bertrand's history of Australian film censorship records a destructive fire in the busy Sydney Customs House in 1926, where much censorship administration was conducted.⁵² While there is evidence of a small increase in literary censorship from the end of the 1920s, the first three decades of the century did not witness, as Coleman suggests, 'practically no censorship'.⁵³

The new federal regime under the *Act* was careful to avoid court trials and Customs chose not to prosecute another importer until many decades later, but bans were still imposed, and although its contents varied considerably from 1902, the banned list before 1928 was much more extensive than three titles. It was maintained as Customs General Order 890, and orders for the years 1909, 1927 and 1929, located by researcher Stephen Payne, count 7, 45 and 129 prohibited publications respectively.⁵⁴ Balzac's *Droll Stories*, for example, was banned after the 1901 prosecution until its release by the Comptroller General in 1923; it was back on the banned list by 1928. Rabelais' *The Heroic Deeds of Gargantua and Pantagruel* was banned from 1926 to 1929 while other items on the list were less literary.⁵⁵ And by March 1936, General Order 890 still listed only 513 titles. Coleman's figures confuse literary, political, and popular and pornographic publications to produce an incorrect impression of a dramatic expansion. For much of the first decades of the twentieth century Australian Customs censorship proceeded in the way in which it would continue, although with less centralisation and less distinction between the literary and non-literary than was usual later.

The role of centralised federal censorship was strengthened by the introduction of military censorship during World War I under the *War Precautions Act* (1915), which required the cooperation of military and civilian forms of censorship in all the states. In 1921 the Hughes government used Section 52(g) of the *Customs Act*, which empowered a minister to ban the entry of goods by proclamation alone, to maintain wartime censorship powers over political publications. Seditious publications were defined as those 'advocating the overthrow of civilised government' and prohibited as imports. This gave the Customs Minister power to determine what was seditious and power to prevent the entry of any material identified as such; it was a new and strong arm for Customs's control of publications, though not for government.

The fog on the wharves

Customs' censorship grew more systematic and secretive through the 1920s until it began to meet with renewed public opposition. In a stirring critique of the unaccountability of the system published in the journal of commentary *Stead's Review* in 1930, the critic Nettie Palmer complained that:

One has to do a good deal of imagining whenever a censor is mentioned. No one ever sees him at his work; he strikes darkling; he never explains . . . It has been suggested that he does not, and cannot, read, and that he only takes action when he finds his elbow jogged by a little being who reminds him of a customs list that is revised only once in a century.

To combat such a censor was like 'wrestling with a fog'.

Palmer's evocative image was apt.⁵⁶ The organisational systems through which Customs handled banned publications when they arrived into the country have remained opaque. While evidence from before 1927 is scant, Customs appears to have established its national system of censorship administration before World War I, consolidated it into a rigorous and efficient bureaucracy by the 1920s, and sustained variants on it across the decades into the early 1970s. The film Censorship Board was established in 1917 and its members advised Customs on publications censorship too for a few years in the late 1920s.⁵⁷ Three literary boards then succeeded each other in 1933, 1937 and 1967.

We can imagine something of what occurred from accounts by travellers, booksellers and writers themselves, whose suitcases were routinely examined for banned material on their arrival home from travel overseas. Customs officials retained the right to examine and ban imported material on the wharf, or in its crates from the ship or aeroplane, and to open and seize publications sent internationally by parcel post. Customs could – and did – confiscate from individuals or importers any publications that appeared to them possibly obscene, blasphemous, seditious, to advocate crime or include excessive violence.

Through most of the twentieth century, but particularly from 1938, three pieces of legislation mattered for the banning of publications as prohibited imports and Customs divided the publications coming into Australia into three groups:

The Censor's Library

1. Blasphemous, indecent or obscene works or articles (under section 52(c) of the Customs Act)
2. Literature unduly emphasising matters of sex or of crime or calculated to encourage depravity (under Item 14A of the Second Schedule of Customs (Prohibited Imports) Regulations)
3. Seditious publications (under Item 14, Second Schedule of Customs (Prohibited Imports) Regulations).⁵⁸

Publications arriving into Australia would be dealt with according to which of these offending categories they fell into.⁵⁹

By the 1950s, booksellers' consignments were examined via invoiced lists, rather than inspected individually, against guarantees not to import banned material. A NSW Customs Office diagram maps just how elaborate the procedures were, with suspect lists or examples referred up the hierarchy to the Comptroller General of Customs in Canberra. At only one point in the complex series of transfers were the books actually read – by a single 'Investigation Officer'. Publications termed seditious were dealt with according to the regulations Hughes introduced in 1921. Books turning up on the wharves that looked suspicious would be forwarded to Customs in Canberra or to the Attorney-General's office for assessment of their politics.⁶⁰

Publications falling into the first two categories were examined by investigations officers for obscenity, blasphemy, indecency, and tendencies to over-emphasise sex and crime. If a publication fell into these categories – if it was 'of a most undesirable type featuring crime and criminal activities and giving undue emphasis to matters of sex'⁶¹ and also 'possess[ed] no literary or intellectual value and [was] obviously published to cater to those seeking to satisfy depraved tastes for morbidity, sadism, sensuality, etc' it was immediately seized and prohibited.⁶² Under this treatment went titles such as *Special Detective*, *Revealing Detective Cases*, *Best True Fact Detective*, *Dime Mystery Magazine*, *Horror Stories*, *Fighting Western* and *Law Breakers Always Lose* (magazines all banned in 1950).⁶³ As the decades passed, the group of publications banned for 'unduly emphasising matters of sex or of crime' became increasingly crowded, particularly as this regulation was used to target comics. One of the ways in which Australian censorship legislation exceeded British precedents in severity was in its codification of horror and violence within the practical definition of obscenity, introduced by Customs

in 1938 and under separate legislation by the different states in 1954, in order to ban offensive comics directly.⁶⁴

Twenty-six boxes in the main card index of Customs censorship administration, each containing up to 1000 cards and each card recording the assessment of a single title, demonstrate the volume of material that was confiscated between the early 1930s and the early 1970s.⁶⁵ If the books were found to be obscene, indecent, inciting to crime and violence or excessively about sex *but* had a claim to literary or scholarly merit, or sometimes just to a controversial reception, they were forwarded to central office in Canberra. Customs inspectors were required to forward them to the Comptroller-General of Customs, who could in turn refer titles to the Literature Censorship Board for a decision or direct them to the Minister himself.

The Literature Censorship Board, 1933–57

In response to public pressure about the secrecy and arbitrary nature of Customs censorship, in 1933 the Lyons Government established the Book Censorship Board, from 1937 called the Literature Censorship Board. Under the auspices of the department, the Board was a distinct governmental agency with a membership of literary and legal experts, established to provide advice to Customs and the Minister on publications of literary and scholarly merit. The Board's role was to arbitrate for Customs on the many publications, according to the cynical description of Minister Thomas White in 1933, 'that hover round the border line where the author endeavours with fine writing to get as close to obscenity and indecency as public opinion will allow'.⁶⁶

The Board was first chaired by ex-Solicitor General Sir Robert Garran in his retirement from a long life of public service. Garran was appointed Australia's very first federal public servant on 1 January 1901, and had been responsible for drafting the legal powers accruing to most major federal departments, including Trade and Customs, with significant influence in the drafting of the Australian constitution. Solicitor General from 1916, Garran retired in 1932 after thirty-one years as a permanent head, and among many other public roles was a patron of the Australian Book Society in the 1940s.⁶⁷

The two other founding members of the Book Censorship Board were academic literary scholars based in Canberra, as members of the Board continued to be until its reconstitution as the National Literature Board of Review in 1967. Suspect publications could not be sent through the

post and members had to be close enough to each other to share the only available copy of an offensive title. Professor Jeffery F. Meurisse Haydon was appointed for his necessary expertise in assessing the many seized French and faux-French titles with sexual content; France's reputation as the source of the English-speaking world's pornography was well established by 1933. Dr Leslie Holdsworth Allen was a classics scholar and poet with a doctorate on Shelley from the University of Leipzig, whose interests included contemporary Australian art and theatre.

Controversy about both the Board's powers and its appointments attended press announcements from 18 May 1933, with the *Argus* reporting women's protests at their lack of representation.⁶⁸ Victorian Trades Hall also agitated for a role, since the sedition provisions were then powerfully operative against its interests.⁶⁹ The all-male, distinguished and scholarly members were 'Not Wowsers or Victorian', however, reported the *Argus* of Customs' placatory explanations, but 'Attuned to Modern Thought'.⁷⁰

In June 1934, after the banning of Norman Lindsay's *The Age of Consent*, the second of Lindsay's novels to be prohibited, Garran acquiesced to the Melbourne *Herald's* request for an article on the 'Principles that Guide the Commonwealth Censors'.⁷¹ This was one of the few occasions when any member of the Board spoke or wrote publicly about the principles guiding censorship in practice. Garran explained Customs' legal powers, including the sedition proclamation, and described the status of the Book Censorship Board: its 'opinion, of course, is an opinion only; it guides the Department, it does not bind it'. In answering 'what is decency?' Garran noted carefully there was no static standard: 'Many things, in literature as in costume and other matters, which would have shocked profoundly our grandparents' sense of decency, are not shocking to us at all. And possibly some things which shock us will not shock our grandchildren.' His rhetoric was for freedom of expression, distinguishing the modern world from a Victorian age of prudery:

We live in an age of great and increasing frankness and freedom in the open discussion of matters which used to be hidden behind a veil of decorum . . . Literature cannot be trimmed down to the standard of a mid-Victorian young ladies academy. A very wide freedom of expression and treatment must be accorded to a writer of an honest study of any aspect of life. Exactly what limits the law sets today to this freedom it is not easy to say.

Garran's liberalism expresses the Board's position in relation to the stricter inclinations of Customs and its Minister, in comparison with which the Board's practice could be seen as relatively enlightened.

Some Melbourne readers were suspicious of this rhetoric, however. Professor Kenneth Hamilton Bailey, Dean of the Faculty of Law at Melbourne University and later head of the Attorney-General's Department himself, published a reply. Noting the different practice of the Board and Customs, especially in regard to political censorship and sedition, Bailey critiqued Garran's focus on indecency as obfuscation: political censorship was the real issue for many in the middle years of the 1930s.⁷² Garran's high-handed approach as a censor – he had banned Orwell by then, for example – in retrospect hollows out this defence too.

Linda Littlejohn, President of the United Associations of women's organisations, wrote to Thomas White on 17 May 1933 advocating strongly that a woman be appointed to the Book Censorship Board, noting pointedly that women constituted the majority of readers. The UA's campaign was supported by the Young Women's Christian Association in Canberra, who nominated a local candidate and in correspondence with both the Minister and Garran as chairman sought to refute their notion that the reading of offensive literature was 'hardly women's work'.⁷³

At question in the board membership was the representativeness of the censors – who could be trusted to read on behalf of the nation? Who could be at once a national reader and a reader inured to the ability of obscenity in particular to 'deprave and corrupt'? As secretary of the Canberra YWCA, Hilda Tapley Short took pains to refuse the role of the morally querulous, naturally conservative feminine opponent of censorship in her correspondence with Garran, but the dangers for vulnerable women readers were clear to him and the Minister. A woman was not appointed to the Literature Censorship Board until 1958. As late as 1974 in NSW, women were rejected as jurors for an obscenity trial because the defence feared that the male jurors 'would feel overprotective'.⁷⁴

In 1937, the Board was renamed the Literature Censorship Board and Kenneth Binns replaced Garran, who gave up his role as Chairman to take up the new position of Appeals Censor, which he held until his death in 1957. The Chairman's role was taken up by Dr Allen in 1937, who remained in the position until a review of censorship operations in 1958, then serving as an Appeals Censor until 1966. Membership of the film Censorship Board

reflected similarly long careers for censors, paralleling those of Customs officials.⁷⁵ Members of the BCB and LCB were appointed for three years only, but their tenure renewed each term without question. Increasing expertise in the offensive and *outré* literatures of the world was given as the reason for reappointments. Other effects, of course, can be construed less positively. Press criticism of the boards over the decades often either asked for or gave the censors' ages.

Reading for the nation

The Board's legacy is a comprehensive, sequential collection of reports recording its members' decisions on titles. The three or four expert members provided opinions on every title given them to review for classification by the Department of Trade and Customs, for all the years of the Board's existence from 1933 to 1967. Every decision held in the Board's files for every year to 1957 can be counted and recorded, and a comparative analysis graphed over time.⁷⁶ Decisions are distinguished as 'banned', 'passed' and 'restricted circulation', which was a classification first used by the Board in 1935, allowing the importation of Oscar Wilde's translation of the *Satyricon* by Roman author Petronius only when it had been ordered by a university or public library. This classification aimed to restrict access to books on the basis of scholarly or professional expertise.⁷⁷ The graphs chart decisions over the period of extant files and record the number of each kind of decision and the total number of books examined by the Board in each year. From August 1933 to December 1934, for example, the Book Censorship Board examined 96 publications, of which 35 were banned as prohibited imports, about 36 per cent of titles.

A spike at the beginning of the records shows the work the members had to do to get through the list of titles initially sent to them. Allen explained an evident slump in activity through the war years as due to the limits on available shipping space through the last years of the war and immediately after. Fewer books arriving into the country meant fewer books referred to the Board, while the new Minister of Information's powers for wartime censorship took some significant responsibility for vetting titles away from both Customs and the Board. A spike in 1954 is partly explained by the beginnings of a review of the banned list. The Board was asked to review five titles in 1953 and eleven in 1954 and furnish new decisions about their status. These titles included the two banned books by Orwell, as well as Richard

Aldington's *All Men Are Enemies*, which was first banned in April 1933 before the formal constitution of the Book Censorship Board and thus prohibited for twenty years. In 1953, it was released by the Literature Censorship Board as an 'outstandingly brilliant study of the psychological and social effects of war and postwar conditions', Allen finding that its 'sexual passages [were] handled with the utmost refinement'.⁷⁸

The Board's frames of reference were narrow. It was only able to examine titles referred to the Chairman by the Comptroller General of Customs acting in the main on recommendations from Customs officials. And the Board's decisions, which were legally only advisory, could also be overruled by the Minister at any point – most notoriously the decision to ban Joyce's *Ulysses* again in 1941 – or even by the Comptroller General acting on his behalf. And qualitatively, the Board members' arbitration on literary and scholarly titles has to be assessed as merely a small part of the larger work of the department in censoring publications, the great bulk of which were treated according to rules laid down for all imported goods, from tea to petrol, animal skins to outsized knives.

While domestic publications were not directly subject to Customs' control, British control over the Australian book market did mean that many Australian writers were first published in the United Kingdom. Especially in the first two decades of the Board's operations, it was asked to arbitrate on some significant titles by Australians, including J. M. Harcourt's *Upsurge* (banned 1934), E. L. Grant Watson's *The Partners*, under the pseudonym John Lovegood (banned 1934), Frank Walford's *Twisted Clay* (banned 1935), Jean Devanny's *The Virtuous Courtesan* (banned 1936), Leonard Mann's *A Murder in Sydney* (passed 1937), Martin Boyd's *The Night of the Party* (passed 1939), Kenneth Seaforth MacKenzie's *The Young Desire It* (passed 1938), Christina Stead's *Letty Fox* (banned 1947) and the British edition of Robert Close's *Love Me Sailor* (passed by the Board but banned by the Minister in 1950).⁷⁹

Besides forming a compact but comprehensive record, the board reports offer us an archive of offence: a set of readings that bring to light the transgressions of books that very often had no other presence in Australia at all. The conceptual taxonomies through which the titles were defined as obscene or not, indecent or permissible, become visible through these reports. Similarly, the readings themselves form significant instances in the reception and histories of sometimes very broadly read banned titles, from

Ulysses and *Lady Chatterley's Lover* to Grace Metalious's *Peyton Place*.⁸⁰ Much of this book makes use of them.

After 1957

The Catcher in the Rye scandal in 1957 provoked the first major review of censorship administration. This saw the first complete review of the banned list and the list released publicly for the first time, while an Appeals Board replaced the single Appeals Censor. The Literature Censorship Board remained, however, with the addition of its first woman, Mrs Rae Ellis from Canberra. Between 1958 and 1967, the LCB continued to arbitrate on titles, while broader social and political upheaval saw many bans challenged and mounting public opposition to censorship itself.

The 1950s had witnessed the opposite. Public campaigns for stronger censorship, particularly of American comics and pulp magazines, resulted in the passage of new *Obscenity Acts* in most of the states in 1954 and pressure for centralised or uniform censorship. It was not until 1967 that an agreement was signed. The new National Literature Board of Review replaced the Literature Censorship Board and also assumed responsibility for decisions as to the offence of domestic publications – a responsibility it found difficult to exercise.

From the late 1960s new legislation aimed for liberalisation and new forms of classification aimed for access rather than prohibition. Controversy attended book bannings and campaigns to release books prohibited by Customs had some significant victories. Liberal Minister Don Chipp became the first anti-censorship Customs Minister, himself at odds with a conservative government. In his wake, the 1973 election of the reformist Whitlam Labor government transformed the administration, aims and processes of federal censorship, ending Customs' long control and halting dramatically the censorship of literary books.

After this, literary censorship was comparatively rare during the 1970s and 1980s. The contemporary, so-called classification regime has banned very few publications with claims to literariness – even as that claim itself is now at once more limited and more contested than before. It was not that Australia stopped censoring such material altogether, or that a more liberal approach prevailed for long. Literature just no longer had a primary place in debates about offence: television, regulated by the Australian Broadcasting Control Board, magazines, film, video and music, as well as computer games

and the Internet in later decades, have assumed much greater presence in a generally mediatised culture, and therefore also in the regulation of offence.

After legislative changes in 1984 in response to the popularity of video and the establishment of the Office of Film and Literature Classification in 1988, a new regime was consolidated, marking the seventh and final stage of censorship in Australia in the twentieth century. This contemporary system regulates the distribution and availability of material on the basis of 'community standards' rather than expert opinion. Twenty years of responsibility for censorship saw the OFLC sustain a stable regime, implemented as a uniform system involving both the commonwealth and the states after passage of the 1995 *Classification (Publications, Films and Computer Games) Act*. The *Act* introduced a National Censorship Code, made available to the public and industries, aiming for transparency and consistency in classification decisions. Nevertheless, the OFLC's decisions on magazines, film and video attracted criticism in some cases. Art films constitute the dominant form whose banning or restricted classification causes controversy, even as magazines and video are the dominant media in which obscenity, violence and other offensive content is identified. Publications continue to be banned; if a book contains sexualised violence, for example, or otherwise comes within the codified definitions of the *Act*, it can be restricted in its sale and distribution or refused classification altogether.

In 2006 the OFLC was subsumed within the office of the Attorney General, surrendering its status as an independent government agency – status the film censorship board and the literary censorship boards had assumed but not legally possessed since the early decades of the twentieth century. The Classification Board and Classifications Appeals Board now determine and arbitrate classifications and bans for film, publications and electronic media without the support of a separate office. They inherit a long legacy of legal and bureaucratic control that has nevertheless remained little understood.

No business of god or man

*Your body is your own; nobody owns it, nobody has any
rights to dictate to you how you shall use it. It is no business of
God or man what you do with it.*

Margaret Leonora Eyles, *Commonsense about Sex*, banned 1934

Amy, born in 1915 and married at fifteen, recalls her ignorance about sex and contraception in a collection recording Australian women's experiences of illegal abortion. 'You were brought up a nut in those days. I believed babies came out of the navel for a long while'. Most of the women recall discovering information about birth control from women friends or relatives. Says Bette, about an unwanted pregnancy in 1935, 'Everything was so secret then'.¹ This secrecy was not only the effect of prudish obfuscation and social taboos, but of determined national efforts restricting access to information.

The story of birth control censorship has only been half told, even as the more famous instances have been elaborated and debated. Most of these involved the banning of domestic publications, usually cases in which the police took action under state law and the scandal made it into the newspapers. Court cases witnessed high-stake struggles over the alleged obscenity of sex advice and birth control, and the publications involved have attracted much interested discussion, unlike those banned or restricted more effectively by Customs.

Domestic cases include those of William Chidley, Sydney sex reformer and advocate of free dress codes;² Rosamund Benham, one of a group of Victorian socialists searching for both sexual pleasure and reproductive freedom;³ and the internationally respected Dr Norman Haire, whose popular works offered practical birth control methods and sex advice.⁴

Stefania Seidlecky and Diana Wyndham give a broader account of censorship in their history of birth control in Australia, suggesting that Marie Stopes' breakthrough mega-seller *Married Love* was banned for a time – Customs allowed *Wise Parenthood*, her follow-up.⁵ They note a ban on the word 'contraception' on Australian radio until the 1960s.⁶

Such case-based history has focussed on the courts as arbiters of obscenity definitions. As traffic in publications grew and as Australians began to produce more of their own material locally, the various and multiple state Acts relating to publications censorship were modified by legal decisions and court cases about particular books or pamphlets. In the late nineteenth and early twentieth centuries, some of the most prominent and influential of these court cases related to birth control and sex advice or sexology. Most censorship, however, occurred through Australian Customs, policing importations under the *Customs Act*, while the Post Office used well-established methods for restricting the circulation of publications to also target birth control information. Provisions in the *Post and Telegraph Act* defined such material as obscene in 1901, including 'any drawing or picture or advertisement or any printed or written matter . . . if it relates to . . . pregnancy or to any irregularity or obstruction of the female system or . . . may reasonably be construed as relating to any illegal medical treatment or illegal operation.'

Heath proposes that birth control censorship codified a 'new definition of obscenity', which actually distinguished Australian regimes internationally, through a focus on white women's bodies and on restricting interference with the 'natural' functions of those bodies in order to address population anxieties.⁷ Connections between federal censorship of birth control information and the aims of white nationalist or imperial population ideology are not as absolute or obvious as this might suggest, though. What is obvious is a pervasive tendency to class birth control as obscene, despite legal decisions that had defined it otherwise, and a targeting of non-professional, cheap and easily accessible publications that would otherwise appeal to a large market: working-class women, especially, or even a national population.

Birth control and race panics

Panic at the birth rate of the 'native-born' white population at the beginning of the twentieth century blamed its fall on the circulation of contraceptive

and abortifacient advertising. The 1904 Report from the New South Wales Beale Royal Commission into the Decline of the Birth Rate recommended the banning of such information and defined representation of the technologies and practices of birth control as obscene. The Commission envisioned that the newly formed Commonwealth Trade and Customs Department should use its powers to:

prohibit the sale, the distribution, the having in possession for sale or distribution, the importation, the manufacturing, the advertising for sale or distribution, the purchasing or receiving of goods, articles, contrivances, or other things designed or intended for use for the prevention of conception in women, or of printed directions or advice as to the methods by which such articles may be used.⁸

The inclusion of 'printed directions or advice' as well as advertisements for contraception in the Commission's sweeping advice meant books were a target, and Customs' interpretation of 'as to the methods' in the content of publications proved broad rather than narrow.

Some of the most historically enduring codifications of obscenity in Australia are sourced in the Beale Royal Commission's recommendations, rather than in any legislation, particularly since the *Customs Act* did not define obscenity at all. The Commission's report concluded that "The future of the Commonwealth [of Australia], and especially the possibility of maintaining a "white Australia," depend on the question whether we shall be able to people the vast areas of the continent which are capable of supporting a large population'.⁹ The falling white Australian birth rate was addressed by restricting information about how to prevent pregnancy, to effectively define such information as obscene and so illegal.

After the Commission presented its report, the NSW government wrote to federal Minister Sir William Lyne requesting that Customs regulations be enforced against the importation of birth control materials. Lyne responded that he had already wired his officials to seize anything suspicious. In what was traditionally a Catholic-dominated section of the public service, some Customs officers had 'few qualms' about enforcing prohibitions on birth control,¹⁰ notwithstanding the fact that Australia had a legal precedent establishing that birth control information was not obscene. This had distinguished its colonial obscenity law from UK and US regimes

well before the Beale Commission. In his landmark judgment, liberal Justice Windeyer in the NSW Supreme court in 1888 rejected the argument that preventive birth control information would ‘deprave and corrupt’ under the Hicklin definition of obscenity.¹¹

Restrictions on birth control and contraceptive information, as well as advice on non-orthodox sexual practices, continued well into the twentieth century in Australia. And those restrictions connected at least rhetorically to the powerful ‘populate or perish’ myth that fuelled white population anxieties until mid-century. The unsolicited mailing of birth control information regularly drew the ire of politicians, with ex-Prime Minister Hughes condemning it in 1936 as ‘directly subversive of morality’ and ‘opposed to the vital interests of the community.’¹² In 1940 J. F. Coates told the NSW parliament: ‘The Empire today has three enemies – all from Munich. One is Hitler, the other Goebbels, and the third that doctor of German philosophy and science – Dr Marie Stopes.’¹³

Especially during the early years of the Australian nation, the censorship of birth control information can be understood as part of widespread anxiety about imperial rule and the continuing viability of white populations in colonial countries and the tropics.¹⁴ Heath goes further, arguing that, thanks to the influence of the Beale Commission’s report, twentieth-century Australian censorship regimes are ‘in large measure’ the product of the white Australia policy.¹⁵

What is at issue in Heath’s assessment is the balance of policy, laws, rhetoric, practice and effect in directing intent and ideology in public administration – a complex through which power inheres as governance. This balance remained highly contested within the bureaucracies: the link to white Australia’s ‘national interest’ was explicitly drawn in some instances, but the legal obscenity of birth control was contested by members of the Literature Censorship Board and others, and its treatment not always distinguished from international practice. The recommendations of the Commission were influential in legal arguments but so was the Windeyer decision, while the indecency of birth control was repeatedly debated within Customs and the Postmaster General’s office. Customs’ practiced secrecy and lack of accountability, however, meant that much birth control material was banned anyway, by clerks themselves or the Comptroller General, or with reference to the Department of Health. But even if the effect of the bans was comprehensive, no singular or determined thread of governmental intention can be identified.

Freethinking

The 1888 Windeyer decision involved the provocative importation by NSW free-thinker and radical William Collins of English birth-control activist Annie Besant's pamphlet *The Law of Population*. Collins was found guilty of selling an obscene publication by a Sydney magistrate but appealed to the Supreme Court, where his conviction was overturned by two of the three judges. Arguing that birth control knowledge was a social good, must be circulated and cannot 'be kept as the exclusive privilege of any caste or class', Justice Windeyer refuted the claim that it would deprave and corrupt.¹⁶ The judgment meant that the circulation of birth control information – advice, pamphlets, how-to guides – was legal in New South Wales.

Freethinkers had provoked the colonial censors before. Charles Bradlaugh and Annie Besant republished Charles Knowlton's *The Fruits of Philosophy* (1832) in the UK in 1877 as a deliberate Freethought challenge to obscenity laws. An Australian edition was published in the early 1880s by William and David Andrade, anarchist booksellers in Melbourne, probably to circumvent Victorian Customs' powers.¹⁷ It was seized in a raid on a Pitt Street bookshop in Sydney in 1884, along with George R. Drysdale's *Elements of Social Science* and Emile Zola's *Nana*, and nearly a thousand other books. That raid coincided with the last day of an Australian Freethinkers Conference being held in Sydney. A trial in the Victorian Police Court saw the bookseller fined and extensive discussion of the case in the *Sydney Morning Herald*, *Daily Telegraph* and the *Bulletin*, which defended Zola and *Nana* in particular as a 'work of genius'.¹⁸ The next year, republican Thomas Walker was prosecuted in NSW after delivering lectures on birth control, but won his appeal in the Supreme Court on the technical point that the obscene publications at issue were not used for gain.¹⁹

A similar furore surrounded the 1887 seizure by Victorian Customs of a large consignment of books that included Zola translations. They were seized by a zealous young Customs officer, son of a Wesleyan minister, but Customs Minister William Walker released all the titles. The Melbourne *Argus* and *Daily Telegraph* were highly critical of the release, the latter even suggesting that recent high profile rapes and assaults could be linked to the circulation of such material, while the *Age* offered qualified support.²⁰ These inconsistent actions by authorities met with criticism from both sides of the reignited debate, while European realism was also stirring controversy with

concurrent tours for dramatic adaptations of Zola's novels *L'Assommoir* and *Germinal* (as *Drink* and *Master and Man*).²¹

The Windeyer judgment came after this action and before the 1889 agreement between Victorian Customs and Cole's Book Arcade to avoid prosecutions. It stimulated the publication and sale of birth-control literature: Frank Forster suggests that after it, 'the floodgates were open' and that between 1888 and 1904 such material 'became more directed to women'. An example is the activities of Robert Bear's bookshop and his associated Modern Publishing Company, which published birth-control literature over the next forty years, as well as 'books such as *The Romance of a Fair Girl's Bathroom*, *Wedded: A First Night Adventure*, and manuals on boxing, dancing, bar-tendering and the like'.²² The variety of publications available from the UK and published locally demonstrates the development of the popular publishing industry, directed at working-class readers, and a trade in contraceptives reliant on advertising in freethought journals and books.

Freethinkers were also interested in more generally obscene literature, vendors selling Zola's infamous *Nana* and titles such as *Paris by Gaslight* by 'Peeping Tom', described as 'a complete description of the amusements, etc, illustrative of life in the French Metropolis'. The freethought and secularist campaigns leading up to Collins' trial also developed strong connections with suffragist campaigns and feminist women advocating birth control, as well as with more explicit political campaigning connected to socialism.²³ As censorship historian Mark Finnane notes, 'birth control propaganda was part of the broader struggle for liberation of the poor and working classes from poverty'.²⁴

By the turn of the century, however, the impact of the Windeyer decision was lessening. The South Australian *Indecent Advertisements Act* of 1897 pre-empted the Beale Commission and other state governments afterwards turned to direct regulation, passing new laws aimed at banning advertisement of contraceptive devices, abortion services and abortifacient drugs.²⁵ New South Wales passed a number of influential laws, beyond the *Indecent and Obscene Publications Act (1901)*, which prohibited the publication of 'any indecent or obscene advertisement or report', amending it in 1908 and later. Tasmania passed its *Obscene Publications Act* in 1917.

Ross' Magazine was a prominent example of publications that ran foul of post-office restrictions. A freethinking magazine of 'Protest, Personality and

Progress' attacking Christianity, war and capitalism with equal fervour, it included large advertisements for Ross' Book Service, 'which has a long list of sexological works. Consult it and place your orders with this magazine'.²⁶ Editor and publisher R. S. Ross advertised such books as 'for the parent who has children and would tell them of the dangers and greatness of themselves (the unknown themselves) and their relationships as males and females'.²⁷ The magazine's third issue was refused transmission through the post in 1916 because of blasphemy and re-released with five paragraphs blacked out; it also featured an article by British sexologist Havelock Ellis on 'Birth Control: Quality not Quantity'. Ellis maintained connections with Australia after a three-year sojourn as a country school teacher in his youth and some of his pioneering work would later be restricted.

Obscene meaning

As early as 1908, Robert Garran, then Secretary of the Attorney-General's Department, was furnishing legal opinion on the obscenity of birth control to the Postmaster General, for a debate within the PMG's department that lasted through to the late 1930s and beyond. He advised that the provisions of the *Post and Telegraph Act* should not be used to restrict the advertising of contraceptives, even though the Beale Commission had recommended it four years earlier, New Zealand was doing it, and PMG officials wanted to do so.²⁸ In 1929, the Deputy Crown Solicitor furnished further advice on Customs and Post Office censorship of birth control, noting that 'in neither Act is the word "obscene", "indecent" or "immoral" defined, and in each case it appears to be a matter for official determination as to whether an article is or is not obscene, indecent or morally harmful'.²⁹

In the intervening years officials did determine that birth control was obscene, but not consistently. A booklet issued by the Red Star Drug Store of Bathurst Street in Sydney was refused transmission through the post in September 1924 after complaints.³⁰ In 1928 a senior PMG officer warned that:

the Post Office is being used to distribute literature which must shock the moral sensibilities of a large number of people [. . .]. The unsolicited introduction of literature of this kind into a home where such matters may be entirely unknown would not only shock the recipient but be a menace.

This wording echoed complaints from members of the public such as Mrs Margaret Howlett, who forwarded an offending pamphlet to her federal member. Such pamphlets advertised 'Straightforward trustworthy information clearly yet cleanly presented for those married or about to marry', or offered Z. Markov's patented 'Sexsafe', available from a Melbourne address, which was 'good news for married women, making life worth living and banishing worry'.³¹ In 1928, however, the Minister did not agree that Mrs Howlett's pamphlet came within the terms of the *Post and Telegraph Act*, although its provisions had not varied since 1901.³²

The rhetoric of the Church was more vehement. *The Catholic Press* in 1935 condemned 'Government Law-Breakers and Supercilious Bureaucrats' for allowing the circulation of:

disgusting leaflets which abominable pandars to lust distribute in thousands, through the complacency of a Government whose ministers decry birth-control as race-suicide and treason to the Empire . . . The traffic is so serious, so immoral, and so dangerous to public health, that no decent politician, especially the father of a family, would rest easily until it was stopped.³³

Like Mrs Howlett's, the newspaper's complaints about such material met with rebuff, the Deputy Director of Posts and Telegraphs at Brisbane replying that 'the Post Office has no legal power to prevent its transmission by post'.³⁴

In 1923, the Comptroller General considered and allowed the importation of seven sexology and birth control titles. These included *Wise Parenthood* and *Radiant Motherhood* by the best-selling Marie Stopes, *Love, Courtship and Marriage* by Thomas Hearne, *Marriage and Birth Control* by the prolific Brenda Barwon, *Wedded Love or Married Misery* by W. N. Willis, *Sexual Science as Applied to the Control of Motherhood* by J. P. Gair and *Love Ethics* by John Hurstcot.³⁵ The variable status of such material was due to the contested legal status of birth control. Was its representation not obscene, as Windeyer had established, but the practice nevertheless to be discouraged? Was instead the representation of birth control obscene but not its practice? According to whom? With the states passing legislation prohibiting birth-control information as obscene, did the *Customs Act's* powers to ban obscene imports include objects such as contraceptives? Was a diaphragm obscene?

Customs records from the early parts of the century include a collection of objects confiscated from the luggage of passengers arriving into Australia by officials confident they knew an obscene object when they saw one, whether it be nude playing cards, novelty cigarette lighters, a bath mat featuring naked breasts or a souvenir tea-towel from a US brothel. Contraceptives were seen to be just as obscene, in an unspoken, non-sexy, and shameful kind of way, for much of the century.

To some extent, a functional definition of what birth control content *was* in the offensive publications can be assumed: descriptions of human reproductive systems, with recommendations or advice about various contraceptive devices and practices. But the censors did not always read birth control as a discrete form of meaning, separate from other forms of obscenity. Sexology and sex-advice books also offended in their descriptions of sexual practice, through explicit references to genital or sexual activity, and by advocating non-orthodox practices such as foreplay or even masturbation, provoking sexual health and hygiene concerns. Some works were offensive in their sexual politics if they advocated sex outside marriage or the importance of knowledge for young unmarried women.

Birth-control obscenity had strong connections to the regulation of sexually transmitted diseases and prostitution through the campaigns of social reformers and hygienists, as well as the new interest in eugenics. As the subject of new theatre, venereal disease was transgressing censors' codes on British and European stages through the latter part of the nineteenth century and into the early twentieth.³⁶ Although there is comparatively little discussion of it in the Australian censors' records, the *Post and Telegraph Act* explicitly defined venereal disease as obscene in 1901, as did the Tasmanian *Obscene Publications Act* in 1917. Sometimes these forms of obscenity were separable from the obscenity of birth control and sometimes not. The censors' reticence in identifying the offensive detail – wary of worsening the offence in the repetition, even sometimes declaring the detail unable to be recounted – also makes its content difficult to identify.

Practicable continence

State prosecutions of Australian purveyors of sex advice and birth-control information provoked public fights over definitions of birth control and sex-advice obscenity. Two pamphlets by Australian socialist freethinker Rosamond Benham, *Sense About Sex* and *Circumvention*, were prosecuted in

Victoria. These recommended the Karezza technique or male ‘practicable continence’ – sex without male orgasm – thus effecting the twin feminist aims of voluntary motherhood and fulfilled female sexual desire. This was albeit in the difficult-to-manage practice of a couple embracing naked once every twenty-four hours but refraining from final orgasm, instead experiencing the delight of ‘a thorough exchange of magnetism’. For distributing these pamphlets in 1906, Benham’s husband and another man were sentenced to three-month and one-month prison terms by a Victorian court, overturned on appeal.³⁷

Ongoing attempts by NSW authorities to ban sexology activist William Chidley’s *The Answer; or the World as Joy* provide a notorious case from the early decades of the century. Chidley argued for non-penetrative sex or sex without erection, contrasted with what he termed the ‘crow-bar technique’, as a solution to the nation’s health or population problems. His argument was that it was ‘normal heterosexual intercourse’ with its focus on the erect penis that ‘produced individual and social debility’. The *Answer* to the problem of social and sexual degeneration was the equal and mutual ‘love embrace of an active female organ (the vagina) and a passive male (the flaccid penis)’.³⁸ Chidley began selling his book in the streets of Sydney in 1911 and police actions against him began in 1912, continuing for the rest of his life, until he tragically set fire to himself while waiting to be admitted to Sydney’s Callan Park mental asylum in 1916.

The obscenity of the *Answer* was debated extensively, by police, prosecutors and the New South Wales magistrates who eventually banned it, as well as by an interested public, and by a variety of social and political groups who supported him, including feminists, freethinkers, socialists and rationalists.³⁹ In 1913, Chidley himself sent a copy of his book to Elizabeth Haldane in Scotland, sister of Britain’s Lord Chancellor. She reacted badly and her brother handed the material to the Police. The Home Office complained indignantly to Australia that such material could be allowed to circulate. In response, the Australian Postmaster General declared that the book ‘was of a character indecent, obscene and grossly offensive within the meaning of the Post Office Act and Regulations’, advising that ‘criminal proceeding could be taken against the sender or senders with a view to stopping any further copies from reaching the United Kingdom’.⁴⁰ Under Section 107 of the *Post and Telegraph Act*, Chidley was fined £3 for publishing an obscene publication, the magistrate declaring that the appellant’s theories

could not be taken seriously and would 'result in depopulation of the world'.⁴¹ London was duly informed of the fine.

Hearing Chidley's 1914 case, two of the three judges in a NSW Court found his book obscene, disagreeing with Windeyer's judgment and arguing that such subject matter should never be included in books for general readers.⁴² In a dissenting judgment, Sir William Cullen argued the *Answer* was not obscene, since it did not describe immoral practices or certain body parts, and the ideas themselves were not immoral. Cullen also strongly opposed the idea that only medical experts or 'members of a particular profession' could discuss such subjects, since lack of expertise alone did not mean that a book was obscene or that it would do harm. Such dissent figured in later judgments, but the *Answer* was destroyed.

In 1919 and 1920, the owner of the UK film *Damaged Goods* was prosecuted under the Victorian *Police Offences Act* because of the film's attention to venereal disease. Directed by Alexander Butler, it was an adaptation of Eugene Brieux's reformist play and a remake of an American version from 1914. The film advocated moral purity and social hygiene, featuring detailed scenes of syphilis sufferers and strong warnings against promiscuity, but productions of Brieux's play had nevertheless met with opposition and some censorship in the UK.⁴³ The Victorian *Police Offences Act* of 1915 'declared any picture obscene if it referred to venereal diseases',⁴⁴ but a different section of the Act exempted works of literary merit, so witnesses at the Melbourne trial of the film gave evidence that the play was of recognised literary and educational merit. The magistrate dismissed this defence, while in the appeal case in the Supreme Court Justice Hood ruled a film was not a 'literary' work and therefore could not be granted immunity. By 1943, however, the educational merit of Butler's *Damaged Goods* was recognised sufficiently for it to be screened to American GIs stationed in Brisbane.⁴⁵

ANSW case in 1933 used Cullen's dissenting judgment from the Chidley decision, finding that, despite its subject, R. V. Storer's book *A Survey of Sexual Life in Adolescence and Marriage* was not obscene.⁴⁶ In 1937, Stipendiary Magistrate J. E. McCulloch instead relied on Windeyer's judgment to absolve F. C. Tucker's small, gynaecological birth-control title *The Story of Life* from charges of obscenity under the same *Act*. Tucker declared the decision 'a distinct rebuff to reactionary forces, which are so active in their desire to stifle the free expression of opinion and the dissemination of vital biological information such as is found in *The Story of Life*'.⁴⁷

New South Wales and Victorian laws occasioned the most prosecutions over birth-control and sex-advice publications, but other states were not immune. The distances books had to travel to regional readerships made them more vulnerable to interception by Customs or the Post Office. This was a different kind of tyranny of distance, especially when those agencies' remit overlapped not only with state regimes but with each other, in their vigilant defence of interior frontiers and the 'vital interests of the community' as they were defined.

A revealing South Australian instance is Cecil E. Skitch's *Woman's Destiny and Birth Control* from 1928. Published in Adelaide, Skitch's book was not subject to Customs import prohibitions, but the Deputy Comptroller General of Customs E. Ramsay referred the matter of its publication to the Postmaster-General's Office. He objected to its advocating the practice of birth control and magnified its national dangers for the PMG: 'it contains propaganda which is perhaps inimical to the future population of Australia'.⁴⁸

The Chief Inspector of Postal Services agreed with Ramsay that *Woman's Destiny and Birth Control* could be refused registration as a book, but disagreed that it could be restricted on the grounds of its argument for birth control alone. He could ban it only on the more technical ground that it included advertisements not related to the author or publisher.⁴⁹ The single advertisement that breached postal regulations can be found on the last page of the book; it exhorts readers 'who desire to exercise care in their matrimonial relationships!' and promises 'particular advice on your individual problems' as well as 'all of the appliances for wise control of your family obligations which have been recommended by the Author'.⁵⁰ An Adelaide post-office box address is included, which the Chief Inspector agreed was the author's own.

This was used to disqualify *Woman's Destiny* from the very definition of a book. The act of refusing registration enabled the Postmaster-General's Office to protect itself from exposure to 'a charge of having facilitated the dissemination of this class of literature'. This was even as the Chief Inspector recognised the serious intent of Skitch's work as an 'historical outline of the position of women in the social scheme throughout the ages'.⁵¹ The problem that 'this class of literature' represented for both Customs and the PMG was effectively materialised by its direct connection to the provision of birth control itself, not merely arguing for contraception but actually serving to distribute contraceptive devices themselves.

The processes used to ban *Woman's Destiny* are revealing. Federal censorship agents actively sought to restrict birth control information using mechanisms beyond the legally contested charge of obscenity. As a domestic example predating the Book Censorship Board, closest chronologically to the influence of the Beale Royal Commission, Skitch's case reveals more of this context than the contentious examples later policed by Customs and the Board. It explicitly instances the censorship of birth-control information because of concerns about national population. Without exact legal powers, explicit policy directions or political oversight, censorship administrators censored birth-control material because of ideological commitments to a reproductive white nation.

How far the law forbids

Customs' practice in targeting birth control cannot be traced comprehensively, but individual files kept on birth-control titles evidence the department's practice from the late 1920s through to the late 1950s and a rash of titles on sexology, sex advice and birth control from the late 1930s generated detailed case files. These show the definitions of obscenity at work in the department after an international expansion in birth-control advocacy led by Marie Stopes and Margaret Sanger, and as eugenics and planned population science generated more publications around the world. Some of the birth-control titles identified as offensive were referred to the Book or Literature Censorship Board, as titles with scholarly or scientific interest were supposed to be. Other titles were instead forwarded to the Director General of Health. Still others were handled internally without referral at all.

Reports from the Board show varying treatment of birth-control information, while its very referral as obscenity is notable. Conflict about the definition seems to have ensued throughout the administration of literary censorship and provided some galvanising problems early in the Board's existence. Birth control was a concern from the first weeks in 1933 and examples continued to be forwarded by Customs officials until the late 1940s, despite repeated insistence from members that birth control information was not in fact obscene. Windeyer's judgment was invoked by Chairman Garran for the Board's very first birth-control title and continued to be offered as a legal touchstone to counter Customs' suspicions. From 1933 to 1957, 14 of the Board's decisions were concerned with non-fiction

advice books about sex and birth control. Of these, two were banned and two had their circulation restricted.

The first title with identified birth-control content sent to the Board by Customs concerned populous colonial India – a notable decision given the Australian position in the imperial censorship system. In 1934, *Sex Problems in India* by Professor N. S. Phadke from Bombay arrived for the Board's consideration and for the first time members discussed the legal status of advocating contraception. 'Being a Plea for a Eugenic Movement in India and a Study of all Theoretical and Practical Questions Pertaining to Eugenics', with a foreword by Margaret Sanger, Phadke's book was a serious product of the by-then international eugenics movement. An author's note describes it as 'the first book of its kind in India', mixing explicit, practical advice on how to prevent conception with discussion of continence and 'safe periods' according to Hindu shastras, in the tradition of the Sanscrit *Kamashastras*, which circulated freely in India and by the 1920s 'were obtainable almost everywhere'.⁵² It also included information on coitus interruptus, condoms, douching, chemical pessaries, sterilisation, and advice on how to use Marie Stopes' cap and Norman Haire's diaphragm.⁵³

The unsuccessful prosecution of 'Bradlaugh and Mrs Besant' and Windeyer's judgment were prominent in Garran's report, which declared that after it there 'is no hindrance' on the circulation of such books, and *Sex Problems in India* was passed by the members with only minor question on 12 May 1934.⁵⁴ Allen did wonder 'how far the law forbids or allows advocacy of contraception' but noted the book's intellectual achievements. As he had in 1908, Garran drew on his legal authority to establish that the description and advocacy of birth control was not obscene *per se*, and the Board's decision seemed an unequivocal declaration on the question early in its tenure. But Phadke's book was banned by either Minister Thomas White or the Comptroller General. Customs' card index records that it was prohibited on 23 May 1934 and it can be inferred that its 'advocacy of contraception' was regarded as obscene.⁵⁵

The year after, Garran had occasion to refute this government opinion, in regard to H. Rubin's *Eugenics and Sex Harmony*, which the importer proposed to advertise by circular. This book was first forwarded to the Director General of Health, J. Cumpston, who determined that it was 'more than a dispassionate discussion of birth control'; it contained matter 'objectionable' for general circulation. He noted that it was banned in Canada.

Garran took the opposite view, declaring that while 'it might of course be used pruriently . . . that would apply to any book on the subject'. Nor did the Board think that the circularising of householders was objectionable: 'It seems better than indiscriminate display in shop windows'.⁵⁶ *Eugenics and Sex Harmony* was released, signed off by the Minister, Thomas White.⁵⁷

Stopes' *Birth Control Today* was referred to the Comptroller General by the Victorian Collector in November 1935 for advocating 'the adoption of practices which are direct incentives to immorality without fear of resultant consequences'. In this case, Cumpston as Director General of Health found the book's 'frank discussion . . . follows lines which are now generally acceptable for popular education', arguing the same for a pamphlet titled *New Birth Control Facts*. This did not stop him from urging at the same time that Joan Malleeson's *Principles of Contraception* be restricted, despite more liberal assessments from Customs officers. The Minister agreed with Cumpston and restricted Malleeson's book to medical practitioners.⁵⁸ Uncertainty and inconsistency about birth control's status as obscenity was commonplace in Customs, even as the Catholic Church continued to urge its proscription, health authorities vacillated, and Garran's legal advice contradicted the practice of some states.

Commonsense about sex

On 30 July 1934, the BCB reviewed a slim volume called *Commonsense about Sex*. It became the first sex and birth-control advice book to be banned by the Board itself; one of only two such titles. The seventh book of English socialist, novelist, journalist and birth-control advocate Margaret Leonora Eyles, its offensive context shows that a title's sexual politics could account for much of its divergent treatment.

Garran's report was expansive in its dislike:

I doubt whether the authoress has any idea that she is being indecent; she appears to be a propagandist who regards the most intimate details about the sexual act as matter for drawing room conversation. But propagandist zeal does not excuse everything. Anyone who indulged in public nudity, however praiseworthy his intentions, would, under existing laws, be held guilty of indecency, and I think the same applies to this book. The authoress is a journalist (p148) and cannot claim the freedom of a medical specialist. I should ban.⁵⁹

British literary scholars have placed Eyles's work within English utopian socialist feminist literature and journalism from the 1920s and 1930s, and traced her involvement with birth-control activism, her friendship with Stopes and her concern for the plight of working-class women burdened with excessive childbearing, a theme in most of her novels. Eyles spent the early years of her adult life in Australia, 'tempted by an advertisement for domestic servants', after sailing in 1907 with 50 pence in her pocket. But her work, perhaps thanks to the Book Censorship Board, has been virtually unknown in this country.⁶⁰

The offence of *Commonsense about Sex* is hard to identify from the members' comments, since identified indecency itself enjoins detail. Despite Garran's obfuscation, the problem with the book can be identified as its broad treatment of sexual acts and contraceptive techniques 'in intimate detail', with the aim of education. Customs Officer Charles Broissois from the Sydney office gave a typically detailed and opinionated assessment but also declared that '[i]t would not be possible to quote the most outspoken paragraphs dealing with the sex act itself'.

The book is, however, chiefly remarkable for the harmful views expressed on matters usually considered reprehensible. Thus the authoress sees no harm in young girls having sexual intercourse before marriage – with several men if they feel so inclined – provided there is at the same time a union of the spirit (pages 22/2 and 29/32). She appears to condone masturbation in the case of young people (pages 38 and 92), infidelity in the case of married couples (pages 103/5, 107, 110, 113, 116/7, 122 and 150) and supplies recipes for home-made contraceptives, the efficiency of which she vouches for (pages 99/100).

Pages 86, 93, 95 and 143 were also found to 'contain further matter of a decidedly indecent nature'.⁶¹

Eyles's book has chapters on masturbation, sexual intercourse, birth control and 'problems of married life'.⁶² She declares masturbation not morally wrong and that even girls do it; that to ensure sexual pleasure, a man should gently touch and press a woman's clitoris and vagina with his fingers until the clitoris is hard and erect and the vagina moist. With the same detail as Phadke, she advocates the rubber cap or pessary with chemical adjuncts as the safest form of contraception, describing how to procure and fit such, but

also recommends a home-made method using a sponge soaked in olive oil and quinine.⁶³ She declares: 'I have often sent this method to correspondents in tropical countries who are far away from any birth control help, but have never yet heard whether the mixture is spoilt by hot weather' – of interest because of her Australian connections.

Eyles also argues – in her assertively modern, progressive and declaratory voice – that behind the façade of the 'passionately house proud woman is a woman whose husband has ceased to make love to her'; that modern women have to be prepared to share their husbands if necessary; and that the release of passion in the new generation will lead to a better world for all.⁶⁴ A chatty, speculative, even motherly book, *Commonsense about Sex* was written by a woman without medical qualifications, postulating about cheap and easy ways to prevent conception without the sanction or even knowledge of organised medicine.

The Australian ban on Eyles's best-selling book was reconsidered in 1943, when Gordon & Gotch in Queensland attempted to import 100 copies of the eleventh edition. Declaring that 'we fail to see anything objectionable in it', they noted it had been substantially revised and asked to send a copy to Canberra for reconsideration.⁶⁵ Abbott as Comptroller General forwarded one to the Board, along with a copy of Garran's original report from 1934. Chairman Allen replied with a detailed report comparing the two editions, noting that 'the rewriting of the book contains few and immaterial alterations'. He noted that 'Exception may be taken by some to certain of the authoresses' opinions . . . yet it must be conceded that such questions are debatable, and are discussed in accessible literature':

The question of competence and qualifications is a delicate one. The attitude of the Board is that sexual problems have so increased under the exigencies of war, that books of this nature are bound to be written. The question under these altered conditions, therefore, is not so much one of technical competence in a book not professedly technical, as of the tendency to give useful practical advice in the complex sexual conditions of to-day.

After review, he reported that the Board did not believe that the book was 'vicious or immoral', and that it could be 'of practical use to the class for which it is intended'.⁶⁶ Arguments for a more liberal moral climate and

the educative worth of cheap editions were notable changes in the Board's position.

Acting Comptroller General J. J. Kennedy sent his own advice to the Minister, dissenting from the Board's view and advising the Minister to overrule it, because 'nearly all the old objectionable features' remained and the chapter on sexual intercourse needed particular attention. Kennedy recommended the Minister take advice from 'medical men, clergymen and trained psychologists' on the matter. On 9 February 1944, the Minister decided that *Commonsense About Sex* would 'be treated as a prohibited import under the *Customs Act*'.⁶⁷ Soon after this decision, Kennedy replaced Edwin Abbott as Comptroller General, after serving a year as Customs Collector for NSW. Eyles's book remained banned until a review of censorship practices in 1957–58, by which time it was out of print.⁶⁸

Things that all sane people ought to know

Dr Stuart Anderson's *The Why and How of Birth Control* was banned by Customs in August 1937 without Board opinion. Identified by the Western Australia Collector, it was first sent to the Director General of Health, but not then forwarded to the Board, per previous practice. It was then banned for including advertisements for contraceptives and abortifacients. Rather than as obscene under the *Customs Act*, it was banned under the more problematic auspice of laws prohibiting advertisements – designed for domestic publications – echoing the actions of the postal service.⁶⁹

Dr Harland William Long's *Sane Sex Life and Sane Sex Living: Some things that all sane people ought to know about sex nature and sex functioning* (first published in 1919) had been banned 'for some years' before the 1935 edition came before the Board for reconsideration in November 1937, after a copy was seized in Hobart.⁷⁰ Correspondence from Customs to the Board noted it had been declared indecent by the Westminster Police Court in 1935 and that it was prohibited in the Irish Free State.

The Board recommended it be given restricted circulation, the newly introduced classification first applied to the *Satyricon*. The wish was that *Sane Sex Life and Sane Sex Living* be available only to members of the medical profession, although Binns recommended its release. Allen noted 'the recommendation of masturbation, mutual masturbation and coitus reservatus', which he described as 'a very precarious thing' requiring medical instruction. He declared that 'unchecked' the book would do harm. The

book was banned, rather than restricted, the Board overruled by then Minister John Perkins in April 1938.⁷¹

The restricted circulation classification was later given to Edward Podolsky's *Secrets of Love and Marriage* in 1946. The Board declared it a textbook on marriage, noting approvingly that '[i]t condemns promiscuity (p6) and abortion (97). It advocates birth-control conducted with moderation, but gives full arguments both for and against'.⁷² Members also recorded that the publishers had advised on the book's cover that the book not to be sold to minors and so recommended restricted circulation. Customs noted the importation had been sought by a 'lad in his early teens' and determined that 'disposal is limited to members of the medical profession, psycho-analysts, University students and such adult students as may have a recognised position in the field of physiological, psychological, social or educational research'.⁷³

The senior clerk administering the decision, however, advised that this restriction should be extended also to 'adult persons in possession of a recommendation for a supply of the work', in order to allow the book to reach its intended audience of married couples and couples intending to marry. So senior Customs officers were able to act reasonably autonomously in censorship practice, in contexts removed from legal definitions or community opinion.

Modern marriage and birth control

Soon after Allen replaced Garran as Chairman of the LCB in 1937, Garran's advice about birth control obscenity was again called upon. Customs had referred another two titles to the Board – Bernarr Macfadden and Charles A. Clinton's *Practical Birth Control* and Edward F. Griffith's *Modern Marriage and Birth Control*. *Practical Birth Control* shared its title with various other publications of the period and was published by physical culturist Macfadden himself in New York in 1935. *Modern Marriage and Birth Control* was a Gollancz title by a respected expert that was republished by the Left Book Club in London and remained in print until the 1960s. It was seized by the Queensland Customs office in a shipment for the Anvil Bookshop in Brisbane in 1938 and sent to Canberra as suspicious.⁷⁴ In this case Customs' conflicts about birth control played out against broader contexts where such content had keen political meaning.

The Anvil Bookshop was established in 1935 and run by Irish-born communist Mick Healy, later to become Secretary of the Brisbane Trade

and Labour Council and in 1948 jailed by the Queensland government for breaching its anti-picketing legislation.⁷⁵ One of several Communist Party-backed Anvil bookshops in Australia, it advertised itself as 'Queensland's Leading Bookshop for Radical Literature' and its letterhead declared 'The Home of Marx, Engel's [sic], Lenin's and Stalin's works', 'Agents for the Left Book Club, 60,000 Membership', 'Direct Importers from Russia, U.S.A., England, etc'.⁷⁶ In 1938, Mick Healy was called before the Forgan Smith Labor government's inquiry into the extent of Communist influence in the Worker's Education Association, in an attempt to use his bookshop and the Left Book Club's 3000 Queensland members as evidence of 'left-wing penetration'.⁷⁷

The Queensland Collector of Customs forwarded a copy of *Modern Marriage and Birth Control* to the Comptroller General in Canberra on 18 November. Abbott then forwarded the title to the Literature Censorship Board. By early December, the Queensland office was pressing for a decision, reporting that a shipment of 24 more copies of Griffith's book had been detained.⁷⁸ The Anvil Bookshop then began sending letters of complaint, addressed directly to the Chairman of the Board but fielded by Customs and not forwarded to Allen. 'We would like to hear your decision on this as soon as possible,' wrote Mick Healy, on 12 January 1939, 'we have customers who are wishing to receive same and keep enquiring'. Also 'we would be obliged if you would give your reasons for not releasing'.

The Board delivered its decision on 21 January 1939, having referred the question of birth-control obscenity to Garran, in his new capacity as Appeal Censor. Garran replied with a formal note on the history of the Windeyer decision, again recounting the quashing of charges against Bradlaugh and Annie Besant in the UK and then the NSW Supreme Court Decision of Windeyer and Stephen, which had declared that 'a book of that character was not obscene'. He emphasised: 'I think that may be taken today to be the accepted legal view'.⁷⁹

Garran also answered a series of related questions from Allen, particularly whether unqualified commentators could publish sex and birth-control advice:

Garran: . . . the chief forbidden things are libel, blasphemy, sedition, indecency. But of course writing, like any other kind of action, may be an incitement to, or in furtherance of, a criminal enterprise and is

none the less criminal by reason of being writing . . . But the writer's knowledge or ignorance, his rightness or wrongness, his academic status, are quite irrelevant. There are no laws against ignorance, stupidity or incompetence, or their expression in writing.

Allen: Are matters affecting human life an exception? Could any one write a book, e.g. on surgery?

Garran: No exception – any one may, however ignorant or unqualified. Of course if criminal intent were proved – eg. inciting to abortion – it would be another matter . . .

Allen: What is the legal conception of free speech, and what are its qualifications and limitations particularly in Australia?

Garran: This might be the subject of a treatise. But shortly . . . a man has a legal right to speak what, where and when he likes, provided that what he does is not forbidden by some law.⁸⁰

Garran finished by clarifying that the Board was not concerned with whether 'a book is good or bad, wise or foolish, whether it will do harm or mislead – the one question is its decency.'

He offered his two main tests of indecency: the intent of the writer and the probable effect on the reader (which 'takes into consideration the mode both of presentation and of publication'). The UK Hicklin definition of obscenity as 'a tendency to deprave or corrupt' clearly influences the second of these tests, and the question of whether a book will 'do harm' was at issue for the Board throughout this period, despite Garran's refutation. Garran's first test of indecency, however, has an interesting emphasis on the genre and authority of a book, defined through the intention or status of its author, which is not derived from obscenity law. The author's status figured strongly in the Board's decisions about sexology and birth-control books, impacting negatively on books not by experts (effectively, by women such as Margaret Leonora Eyles) and those aimed at large markets.

The Board's report from Allen began: 'The question before the Board is not whether such books are legal or illegal, but whether they are decent or indecent', the sentence's cadence an echo of Garran's. Writing to the CG, Allen also cited Windeyer's judgment:

that birth-control is a matter of public interest, that advocacy of it is not indecent, and that description of devices for that purpose, together with the necessary physiological details, is not indecent. This is a judgment in Australian law. I owe the above information to the courtesy of Sir Robert Garran.⁸¹

After this advice, both *Modern Marriage and Birth Control* and Macfadden and Clinton's *Practical Birth Control* were released.⁸² Comptroller General Abbott wrote to the Collectors in each state on 10 February, notifying them that *Modern Marriage and Birth Control* was not to be considered a prohibited import. He advised Anvil Bookshop of the decision on the same day.⁸³

Abortion censorship

Abortion advertising was much more widespread in the late nineteenth and early twentieth centuries, and was addressed as a problem by the passage of *Obscene Publications Acts* in the different states before and after 1900. It was the subject of much concern from the Beale Royal Commission, as well as more broadly, as public debate over reproductive practice intensified in the 1920s and 1930s. Abortion advertising's currency of euphemisms employed working-class and pre-modern notions of pregnancy as obstruction and of abortion as a remedy for irregularity, which was historical knowledge that became more and more obscene as medical definitions of pregnancy gained authority and Christian doctrine hardened.⁸⁴

As the birth-control movement gained momentum at the end of the 1920s and beginning of the 1930s, an increase in the number of induced abortions also appeared – or at least public concern increased, since abortion's frequency as a crime was very difficult to measure.⁸⁵ As the Depression bit, the falling birth rate was attributed to an abortion 'epidemic', while birth-control campaigner Stopes decried the 'holocaust of embryos' in the UK.⁸⁶ The 1930s also saw explicit advocacy for legalisation in the UK and the founding of the Abortion Law Reform Association. In view of persistent maternal morbidity, the UK Co-operative Women's Congress called for changes to the laws in 1934.⁸⁷

In Australia through the middle decades of the century, abortion censorship had a strong influence on the abortion debate. Novels and films examined abortion in greater numbers, as women used, were relieved by and suffered from the effects of illegal abortion.⁸⁸ Ongoing concern about

its representation in birth control and sexology books is clear in the records of federal censorship. Only condemnation of abortion was approved and this remained dominant until the 1960s. Customs officer Charles Brossois included 'the primitive methods employed by working women to terminate unwanted pregnancy' as an indecency of American Dorothy Myra Page's proletarian novel *Gathering Storm*, actually banned for sedition in 1933.⁸⁹ *Red Virtue*, Australian-born Ella Winter's 1934 study of 'human relations in the new Russia', also featured offensive abortion, Brossois reporting that Winter resided in the USSR and that the book was in sympathy with 'the new outlook of the Russian masses'. He noted further its suggestion that 'fidelity between husband and wife need not be insisted upon', its argument for the 'maintenance of illegitimate offspring' and reference 'to abortion in terms which would tend to encourage the practice elsewhere.' The Book Censorship Board passed *Red Virtue* unanimously on 27 September 1934.⁹⁰ Among other instances, a successful, self-administered abortion in Jean Devanny's banned novel *The Virtuous Courtesan* offended Brossois and the Board in 1935, and a relieving, straightforward abortion was counted as part of the excessive sex content of prominent expatriate writer Christina Stead's novel *Letty Fox*, banned in 1947 – the only ban on Stead's work anywhere in the world.⁹¹

A more direct instance of abortion censorship is the banning of Carl Sturdy's *Unlicensed Nurse*, imported by the Myer Emporium and landed on the ship *Tampa* from New York in 1939. D. L. Caddie, the inspecting Customs officer on the Melbourne wharf described it as:

a grossly realistic book, the subject of which is malpractice and abortion. Pages are devoted to a description of the voyages of a luxury vessel and maternity cruise boat, the main purpose of which is to afford facilities for the pampered daughters of the best society to rid themselves of their unwanted and illbegotten offspring.

Caddie's report listed eight grounds for prohibiting the importation of *Unlicensed Nurse*. His last was that '[t]he book concludes with a strong plea for the establishment of a clinic for legalized abortion to be conducted by the medical profession'.⁹² The Victorian Customs branch immediately banned it.

In 1941, the Board was referred Peter Conway's 'half novel, half

medical treatise' *The Unwanted Child* for consideration, about the question of whether abortion is justified when a woman is pregnant to a man not her husband.⁹³ Allen's report described it as 'a reasoned and comprehensive view of an important social problem. The Board is of the opinion that the book is written in good faith, and recommends that it be released. The legal aspect of the question is not within its province'. Binns noted revealingly that he had paid particular attention to the chapter engaging with 'the Roman Catholic attitude to contraception and abortion . . . but could find nothing to give offence'.⁹⁴

Religious objections to abortion were clearly influential, as well as its casting as obscenity. Illegality was also a major factor in bans, as Garran's early advice to the Board about instruction in crime as a ground for banning reminds us 'eg. inciting to abortion'. Censors could blur the distinction between obscenity and crime to ban any positive representation of abortion. During the later 1920s the popular magazine *Beckett's Budget* was able to report abortion trials in sensational detail because of a loophole in NSW legislation that allowed the press reporting of court action. Amendments to the NSW *Obscene and Indecent Publications Act* in 1946 finally prohibited court reporting of 'indecent matter', then actually aimed at suppressing divorce proceedings.⁹⁵

Abortion continued to attract the attention of censors through the middle decades of the century. In 1963, the Literature Censorship Board prohibited Dr Harold Rosen's *Therapeutic Abortion: Medical, Psychiatric, Legal, Anthropological and Religious Considerations*, first published in 1954 and cited by *Time* magazine as 'still one of the best compilations on the subject' in 1965.⁹⁶ It was released only in April 1969, as campaigns for the legalisation of abortion across the western world began to achieve real success.

Self-control not birth control

The National Security Regulations (Venereal Diseases and Contraceptives) were proclaimed in September 1942 by the Curtin federal Labor government, responding to public concern about the spread of venereal disease during the war. Measures were introduced to regulate the treatment of infected persons, especially 'common prostitutes', which included forced isolation and virtual internment.⁹⁷ These regulations also banned the advertisement of contraceptives nation-wide, their motivations moral rather than military. 'Since the 'rule creators' were to be concerned primarily with moral rather

than medical solutions in the civilian population', note historians Saunders and Taylor, 'the whole question of the use of contraceptives as prophylactics against sexually-transmitted diseases was overlooked'.⁹⁸ Arthur Calwell, Information Minister and prominent Catholic, declared that Australians should exercise 'self-control instead of birth control'.⁹⁹

Calwell attempted to use the Regulations to control the activities of sexologist Dr Norman Haire, who had returned from the United Kingdom in 1940. With a prominent international career between the wars, Haire was by then author of many sexology and birth-control books, and 'at the same time just about the hub of London's advanced intellectual and social set', as *Smith's Weekly* described him on arrival.¹⁰⁰ The Commonwealth Investigations Bureau tracked his movements from London carefully, citing incorrect information that he was a 'secret member of the communist party. In addition he is president of the Sex Education Society which has close connection with extreme political elements'.¹⁰¹

In 1942, Calwell himself received a telegram from an informant warning of the Australian publication of Haire's *Sex Problems of Today*:

SEX PROBLEMS OF TODAY BY NORMAN HAIRE STOP
ANGUS AND ROBERTSON PUBLISHERS STOP PRICE 2/6
STOP ROTTEN STOP CAN HOLLOWAY STOP IT STOP
COPY FOLLOWING

Holloway was Minister for social services, but Calwell wrote immediately to Dr H. M. Evatt as federal Attorney General, suggesting the book be examined under the National Security Regulations and that measures under the *Post and Telegraph Act* be considered. He attached an extract from the *Catholic Universe Bulletin* about the success of postal censorship in the US. Further, since the *Customs Act* could not apply, 'there is the question whether the Commonwealth should have the power to ban indecent or obscene literature in peacetime . . . as this is a matter of supreme importance from the national standpoint'.¹⁰² Not a Catholic, Evatt's opinion was that it was a state matter and the Regulations did not apply.

Sex Problems of Today: A Book for the Intelligent Reader Aimed at Dispelling Ignorance and Disharmony in Sex Problems So Common to Our Civilisation was released by Angus & Robertson in 1942, while the Australasian Publishing Company published *Birth Control Methods* in 1945, avoiding possible import

restrictions. Haire's edited *Encyclopaedia of Sex Practice*, published in the UK in 1934, sold more than 50,000 copies after its first release there but led to the conviction of a Cornish mailing company in 1942, whose managing director was jailed for six months.¹⁰³ Editions imported to Australia carried the caveat: 'This book should not be sold to anyone under 18 years of age'.¹⁰⁴

A 'pioneer in popular sex pedagogy', Haire also began writing for popular magazines in Australia.¹⁰⁵ A regular column of sex advice and family planning appeared in the magazine *Woman* under the pen name 'Wykeham Terriss' (after the doctors' street in Brisbane) from 1941 to 1952. The magazine's circulation increased dramatically thanks to 'the most freethinking series of articles ever written for a mass circulation magazine'.¹⁰⁶ 'Intense efforts' to have this column banned are noted by Siedlecky and Wyndham in their history of birth control. Caldwell continued denouncing Haire's activities through the early 1940s, writing to other ministers about his public lectures and urging them to extend the National Security Regulations and expand commonwealth powers over both education and publications. One lecture about 'Morals in Wartime' attracted his particular outrage, since it had been held under the auspices of the Darlinghurst branch of the Australian Labor Party. Advocating 'outright immorality between unmarried people', Haire had 'no thought for the aspect of degradation of Australia's character, and its reaction on the national well-being'.¹⁰⁷ Despite a representation from the Minister for Health supporting Caldwell, Evatt again noted that it was a state matter and beyond commonwealth control.

Haire himself reported that his *Woman* column was denounced in the pulpit of the Catholic Church and placed on the Index Purgatorius.¹⁰⁸ F. C. Tucker's *The Story of Life*, which had been unsuccessfully prosecuted in NSW in the 1930s for obscenity, was released in its ninth edition in January 1942. In it, Tucker included a special 'Congratulations' to the editor of *Woman* (Elizabeth Riddell, a notable poet) 'for striking a hefty blow against the "hush hush" conventions by offering to his [sic] readers such a splendid series of articles as those published under the *nom de plume* 'Wykeham Terriss'.¹⁰⁹

The column was fearlessly wide-ranging, routinely dealing with reproductive and heterosexual sex, and including in its topics male sterility, menstrual pain, frigidity, impotence and sex education, as well as contraceptive techniques and the effects of abortion. With masturbation, homosexuality was discussed as a hidden reason for suicide, while discussion of other sexual 'abnormalities' argued for treatment rather than condemnation.¹¹⁰

Alison Bashford and Carolyn Strange suggest that Haire's column escaped censorship or prosecution precisely because it was published in a 'benign, chatty women's magazine',¹¹¹ but it was exactly in the later years of the 1940s that concerns about the content of circulating American magazines and comics, including romance and women's magazines, were galvanising censors worldwide, including Australian Customs. Because he was publishing in Sydney, Haire and *Woman* were not subject to Customs censorship, and would have had to be prosecuted under NSW laws. After liberal decisions in the NSW courts in the late 1930s, any conviction would have been unlikely.

Then amendments to the NSW *Obscene and Indecent Publications Act* in 1946 explicitly named the advertisement of 'contraception and contraceptives' as obscene. The bill was debated extensively in the lower house of the parliament, the government addressing public and church concerns about 'publications of an alleged obscene and indecent nature'. Deputy Premier Baddeley included in such publications 'certain articles, written by a medical practitioner, appearing in one of the weekly newspapers. In these, from time to time, quite a number of physiological details have been included. My attention has also been drawn to drawings and jokes printed in various magazines.'¹¹² Even after these changes, however, Haire was not prosecuted; again, it was advertisements that were explicitly named as the legal target.

In August 1944, as the first in a new radio series *Nation's Forum of the Air*, the Australian Broadcasting Commission aired a debate titled 'Population Unlimited'. It pitted Haire and women's rights advocate Jessie Street against the widow of Prime Minister Joseph Lyons, Dame Enid Lyons (a Catholic convert and mother of eleven, who would later be the first woman elected to the federal House of Representatives) and Colin Clarke (a Queensland government economist and another practising Catholic). With a larger audience again than magazines, the debate (and Haire's outspoken role in it in particular) was received with uproar in conservative circles.

A Parliamentary Standing Committee on Broadcasting in 1946 produced a report recommending such content be banned from both commercial and public radio.¹¹³ Most committee members had strong connections with Catholic and Protestant churches, and the report protested that sex was an inappropriate topic for broadcast because radio could 'invade the home'. This echoed the phrasing of earlier religious opponents to birth control pamphlets and mail drops, pointing to continuing attempts to keep women and children in particular – the uneducated, vulnerable inhabitants

of 'home' posited in such a notion – ignorant of material that was otherwise available to worldly-wise, reading Australian men. *Woman* continued to have other ideas.

National anxieties

The rational corollary of birth control sexology – that is, eugenic population management placed in the hands of the state – was a possibility offered by much circulating material in the 1920s and 1930s. Eugenics strongly influenced the development of medicalised 'family planning' in Australia, while it was logically dependent on race hierarchies, with arguments as well for restricting reproduction of the 'unfit'. For Indigenous populations, eugenics had an influential role in the worst assimilationist notions of 'breeding out' Aboriginal heritage from communities under white control.

Phadke's *Sex Problems in India*, the first of such titles examined by the Board, cited a Committee Report from the New York Eugenics Record Office in 1914, which classed the 'unfit' as:

1. The feeble-minded
2. The inebriate
3. The criminals
4. The diseased, and
5. The insane.

Phadke also recommended including 'beggars, vagrants and tramps', and advocated sterilisation.¹¹⁴ Eugenics not only supplemented the epistemology of 'dying race' theories about the natural extinction of Aboriginal people, but was modified to underpin the removal of Aboriginal children from their families, and the mission and reserve systems of the different states, including the registration and management of forced marriages.¹¹⁵ Bans on birth control books also banned eugenic arguments in many cases, and these show that most banned books did not really set out to challenge what might be called the moral sovereignty of whiteness. The banned books themselves did not necessarily challenge the inherited authority of racial categories beyond a refusal of population imperatives; indeed, via eugenics, they can be seen to have some stake in retaining whiteness as racial hygiene. Censorship practice had a broader, nation-building context, of anxieties about race and population, but in its readers' focus on the textual detail of sexed bodies, the

whiteness of those bodies seems to have settled into its role as an unspoken given.

While the White Australia Policy may have informed the early structures and priorities of federal censorship, everyday practice seems to have been necessarily less directed in authorities' treatment of birth control. The evidence presented by Customs and Post Office files demonstrates explicit conflict and debate, contested platforms for decision making and no single chain of reference beyond the embracing power of the Minister. The status of birth control as a form of obscenity was clearly a high stake focus for such debate, resulting in some bannings effectively denying the rights of the majority of women to information about how to control their fertility, long after legal decisions had overturned that definition.

It was as late as 1958 before a Customs department Minute noted that the established practice of prohibition had little legal standing, and that the service had been enforcing restrictions against contraceptive devices and information for which it had no authority. Customs' bans on birth control continued without public challenge until the 1960s when they were finally anachronistic enough to be quietly removed.¹¹⁶ The advertisement of contraceptives is still highly regulated under the bans most Western countries maintain on the advertisement of prescription medicines – there are currently no advertisements for different brands of the contraceptive pill, or even condoms, for example, in the mainstream Australian media.

Sedition's fiction

When Camels advertise their cigarettes, that's propaganda to get you to smoke Camels. When you go to the movies in the States and see the gobs having a hell of a good time, that's propaganda, to get you to join the Navy. When you read the capitalist press telling you how rotten the Soviet Union is, that's capitalist propaganda to steam you up against the Soviet Union. Get the point?

Mike Pell, S. S. Utah, banned 1934

As one of the most ancient offences in law, with a determining presence in English courts as parliamentary democracy developed, sedition has a special and powerful danger for government censors. Like the question of whether birth control was obscene, what sedition is or was for censorship remains legally unresolved. The distinction between the act and the utterance of sedition, or word and deed, has always been blurred, as it was in the definition of sedition introduced in the 1920 *Australian Crimes Act*. Historically, the law of sedition prohibits either 'words or conduct deemed to incite discontent or rebellion against the authority of the state'.¹ Histories of Australian and New Zealand sedition consider only actions, however (uprisings, rebellions, protests and so on), while recent concern over changes to federal sedition laws in Australia has been restricted to groups protesting for freedom of speech.² What is it that words can *do*? When is a word an act in itself?

This question is amplified in the application of sedition laws, where an emphasis on 'urging', 'assisting', and, in the British context, 'glorifying' allows much interpretative ambiguity. Without intention as a defence, the charge can be very broadly applied. This is exacerbated in relation to *literary* sedition. Intention is expressly a question in relation to literature, in that

most political literature wants to change the world. But can there be such a thing as seditious fiction? Are novels ever so powerful?

Australian sedition laws have been used to prosecute political figures in only a handful of cases since the laws came into effect.³ These include the case of Queensland Communist MP Fred Paterson over a speech in 1930 in the Brisbane domain (he was acquitted of sedition charges), and the prosecution of Communist Party leader Lance Sharkey for his reply to a journalist's telephoned question in March 1949. Sharkey said: 'Australian workers would welcome Soviet Forces pursuing aggressors as the workers welcomed them throughout Europe when the Red Troops liberated the people from the powers of the Nazis'.⁴ He was found guilty under the *Crimes Act*, in a verdict upheld by the High Court, and served thirteen months of a three-year sentence.

The banning of seditious publications features rarely in Australian histories of sedition, and histories of censorship have not detailed seditious publications. But books *have* been banned as seditious in Australia; pamphlets, posters and speeches as well. Records reveal multiple examples of sedition censorship even during peacetime, and demonstrate use of ancient yet contentious laws that still inform Australian statutes. In recommending removal of the term 'sedition' from federal laws in 2006, the Law Reform Commission noted pointedly that, 'Sedition laws historically have been used in Australia and elsewhere in a manner that did not pay due regard to the modern conception of freedom of expression'.⁵

Books were banned for sedition when international political currents threatened to disrupt fragile Australian political accords and when domestic economic inequalities generated enough dissent to popularise revolutionary alternatives: the huge controversy attendant upon World War I conscription saw expansive political censorship, for example, and the worst years of the Great Depression too. Sedition censorship powers were drawn up in the contexts of world war and revolution, and applied severely to isolate Australia from international unrest. More than this, the activities of censorship agents in relation to sedition, especially Customs and the Attorney General's Department, exceeded the sweeping powers available to them under the *Crimes Act* and *Customs Act*. The definitional problems at the heart of sedition seem to have swung decisions towards restriction rather than release.

The first case of sedition censorship in Australia dates to 1829, when Atwell Hayes, the publisher of *The Australian* journal, was found guilty of

sedition libel for criticising the punishment of a convict named Sudds. Hayes served three months in jail.⁶ Theatre censorship includes the banning of Clifford Odet's play *Till the Day I Die*, ostensibly banned in 1936 for being critical of a friendly power – notably Nazi Germany – but actually for its favourable representation of Communists.⁷ Performance was prohibited until 1941 under NSW law, by which time Australia had been at war with fascism for two years and Germany had attacked the USSR. In the early 1950s, during the Korean War, Customs inspected Korean and Chinese publications for sedition, although none were banned.⁸

The case of attempted political censorship that has attracted most discussion, even though the charge against the book was not actually sedition, is Communist writer Frank Hardy's novel, *Power Without Glory*. In late 1950, Hardy was charged with criminal libel five days after the Communist Party Dissolution Bill became law⁹ for *Power Without Glory*'s representation of adultery.¹⁰ With the help of Victorian police, Ellen Wren, the wife of allegedly corrupt businessman John Wren, upon whose life Hardy's novel was based, raised the charges. She contended the adultery of the main character's wife Nellie West was a libel against her. The trial required a convoluted prosecution in which the fictional status of the book first had to be questioned, to establish the parallel with Wren's life, in order for the truth of the account then to be denied as libel.¹¹

Involving high-profile political figures, police action against Communists, the surreptitious production of the first edition under cover of darkness, and enormous public interest, it was clearly a political book given a political trial. Hardy's case is an instance in which a politically charged book, highly critical of the opposition Labor Party, influential business and religious figures, was prosecuted as libellous because it could not be justly or successfully charged with sedition. This is despite a legal context in which the power to prosecute was available. Hardy's acquittal of criminal libel by a jury showed a public climate that militated for the liberal administration of the illiberal sedition laws in the *Crimes Act* and *Customs Act*, particularly after Sharkey's jailing.¹² That it was adultery that was deemed libellous in Hardy's case is revealing too; the social morality at stake in this moment of Catholic red-baiting reflects broader postwar conflicts entangling politics and sex. After the failed trial, in 1952 the Customs department investigated whether it was possible to refuse to register as a book Hardy's explicitly communist *Journey into the Future*. The Attorney General's Department advised

approving the book, however, and the Postmaster General's Department in Victoria agreed, 'as any steps taken regarding them at this stage may serve only to focus upon the book, with resultant publicity to the exclusive advantage of the author'.¹³

Perhaps because of *Power without Glory's* central role in discussions of the relationship between obscenity and sedition, insufficient attention has been paid to the sexual offences of political titles. Obscenity charges were not mere red herrings used by bureaucrats or police to restrict advocacy of the overthrow of the state. In bans on literary fiction in particular, the enmeshing of sedition and obscenity begs certain questions. What was the nature of the obscene offences in banned political books? Were they more or less offensive than the politics? Indeed, can they be seen to be separate? Why have sex and sedition so often been connected?

Literature wherein is advocated . . .

From the beginning of the twentieth century, the Postmaster General's Office had significant control over the distribution of political material, usually socialist. Within the 'superabundance' of censorship laws, proliferating regulations created a net of overlapping offences, while other federal agencies used powers under the *Crimes Act* to suppress material advocating the overthrow of government. Then the *War Precautions Act* of 1915, drafted by Sir Robert Garran for the Hughes wartime government, gave the Attorney General almost unlimited powers for the duration of the war. Garran recounted in his memoirs that the legislation was:

mostly expressed widely to make sure that nothing necessary was omitted, and the result soon was that John Citizen was hardly able to lift a finger without coming under the penumbra of some technical offence. [. . .] Magna Carta was suspended, and [Hughes] and I had full and unquestionable powers over the liberties of every subject.¹⁴

The Hughes government exercised this powerful control over both the press and the post in the period's fierce fights over conscription, and in efforts to contain agitation about Australia's involvement in the war.¹⁵ Rulings under the *Unlawful Associations Act* of 1917 further enabled the restriction of socialist and revolutionary publications, targeting groups like the Industrial Workers of the World (IWW).¹⁶ And as late as 1920, the *Sydney Morning Herald* could

report that 'the importation from Germany and Austria of all literature except that approved by the Minister for Customs of a scientific or religious nature or intended for use of public institutions in the Commonwealth, is still prohibited'.¹⁷

These powers were rescinded only in 1921 and immediately emulated in Proclamation 24, the Hughes' government's 'extremely severe' ban on seditious publications, from the *Customs Act's* Section 52(g).¹⁸ Part of a broad formalisation of peace-time restrictions, Proclamation 24 explicitly defined what constituted sedition, with strengthening clauses added six months later. Seditious literature was:

Literature wherein is advocated –

- a. the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilised country;
- b. the overthrow by force or violence of all forms of law
- c. the abolition of organised government
- d. the assassination of public officials
- e. the unlawful destruction of property
- f. wherein a seditious intention is expressed or a seditious enterprise advocated.¹⁹

Drawn from wartime censorship of political agitation at a time of great conflict, this definition remained the legal benchmark until at least 1937.²⁰ Ken Bailey at Melbourne University in 1933 described the last clause in Hughes' directives as the 'dragnet clause'.²¹ Added on 16 June 1921, the clause gave the beginnings of federal peace-time sedition censorship catch-all powers that could be interpreted broadly. 'Class-based and xenophobic', as Heath terms them, the directives as a whole were 'designed to combat communism, anarchism and later fascism, but were used to prohibit a wide range of material deemed injurious to the nation'.²²

On June 3 1921, State Collectors of Customs were asked, in a confidential memorandum, to forward any copies of a book titled *Ireland in Insurrection* 'for decision', anticipating the dragnet clause of June 16. Opposition to wartime conscription from the Catholic Church in Australia was headed by the outspoken Archbishop of Melbourne Daniel Mannix, who after Ireland's Easter 1916 uprising against British rule was seen by many in Australia as

an apologist for Sinn Fein. *Ireland in Insurrection* was passed in July, but the February and April issues of the monthly magazine of the 'Wobblies', or the IWW, which was called *Industrial Pioneer* and published in Chicago, were banned. They were placed on Customs' list of prohibited publications on 25 June, two days before the State Collectors received telegrams notifying them of the new clause.²³ This continued the war-time banning of US magazines of many stripes, including, notoriously, *Harper's Bazaar*, *Cosmopolitan* and *Good Housekeeping*, which had all faced bans as titles from targeted publisher the International Magazine Company of New York.²⁴

In that same month of 1921, socialist writer Henry Boote, editor of *The Worker* and inveterate opponent of both conscription and Hughes' censorship, declared, 'I am in favour of a free theatre, just as I am in favour of a free platform, and an absolutely free press . . . And confusion to the censors, who would muzzle our mouths and blind our eyes!'²⁵

Boote is sometimes described as a 'lone voice in the wilderness'²⁶ but the experiences of groups like the Wobblies, opposed to the war from its start, show that opposition to censorship had to be a precept of these and other political groups in Australia, including pacifists and feminists, in the face of Hughes' restrictions on free speech. Twelve Wobblies leaders were sentenced to long stretches in prison in 1918, and the wartime censor noted soon after that 'the agitation in connection with the release of the I.W.W. prisoners is becoming extremely active of late. All the extreme Labour factions are taking up the cry'.²⁷

IWW member Vance Marshall's *Jail from Within* was published by the local Marxian Print in 1918, sponsored by the Socialist Democratic League, and flyers for it circulated, defying restrictions on similar imported material. In 1919 leader Percy Laidler and communist intellectual Guido Barrachi gathered accounts from the few Westerners to have visited Bolshevik Russia and released them as pamphlets, 'snapped up' as soon as they came off the presses.²⁸ After the 1921 proclamation, Customs could directly target any similar imported 'revolutionary matter' without the need for definitions of alien or enemy interests. Inspectors were warned of measures used by political groups to circumvent this, soon after its implementation:

REVOLUTIONARY PROPAGANDA

Information has been received that the following measures are going to be adopted by the extremists in order to circumvent the recent

legislation in Australia against the importation of revolutionary matter:-
Nothing is to be sent by parcels post.
Bulky packages are to be avoided.
No flimsy material is to be used for wrappers.
Plain wrappers are to be used, thus not disclosing by whom they
are dispatched. Wrappers are to be so arranged that titles of books,
pamphlets and journals are obscured.²⁹

While Customs did not go so far as to suggest that mail should be opened, even plain-wrapped material was identified as suspicious and so could be seized.

Grave danger to the Empire

Accounts of the war were also subject to censorship during the conflict and after. General Ian Hamilton, British commander of the Allied troops at Gallipoli, was himself responsible for the censorship of all first-hand accounts from Gallipoli. Sydney Loch's *The Straits Impregnable* escaped this control and was reviewed as the 'best book on Gallipoli' in 1916, but was soon after removed from circulation by the wartime powers of the Victorian Chief Censor.³⁰

The excessive realism of anti-war books came to be of great concern in the later 1920s, while their concerns seemed to reflect badly on those in political power. Expatriate Australian Frederick Manning's bitter, existential novel *The Middle Parts of Fortune*, set in the trenches of the Somme and Ancre, had the expletives of its soldier characters deleted by its London publishers and was published anonymously as the expurgated *Her Privates We* in 1929.³¹ Manning's Australian identity was revealed in Australian newspapers in 1930, amid reports about the obscenity or sordidness of recent war books.³² Hamilton was quoted in the *Argus* declaring such books a 'grave danger to the Empire', continuing a formulation used more than a decade earlier, and instancing the semantic collapse of moral and political threats, of sex and sedition together.³³

The Middle Parts of Fortune, Ernest Hemingway's *A Farewell to Arms* and German ex-soldier Erich Remarque's anti-war *All Quiet on the Western Front*, while 'the most successful and memorable' novels of World War I, were all expurgated by their publishers in 1929.³⁴ But the removal of 'balls', 'shit', 'cunt', 'fuck' and 'cocksucker' from Hemingway's novel, despite his protests, did not prevent his novel being added to the Customs banned list in January

1931.³⁵ *All Quiet on the Western Front* attracted Customs' concern in June 1929, prompted by an article in the *Daily Telegraph* titled 'Too Stark for Most Readers', which regretted that 'such a book should be needlessly disfigured' by reference to the functions of a character's stomach and intestines.³⁶ A. H. Charteris from University Chambers in Sydney wrote to the NSW Collector of Customs to defend the book, offering the opinion of the Vice Chancellor of the university who 'as Professor Wallace had long experience of film censorship in Melbourne'. As well as his film service, during the late 1920s Wallace also advised Customs on the obscenity of publications.³⁷

Despite a ban by the Auckland Library and the condemnation of a Customs officer at Parcels Post in the Adelaide G.P.O., the Comptroller General informed all states that *All Quiet on the Western Front* was not considered indecent in July 1929.³⁸ In March of 1930, however, a Sydney Magistrate found the Martin Place bookseller Lew Parkes guilty of selling obscene publications for gain, including Remarque's book, and fined him £5 under the NSW *Obscene Publications Act*.³⁹ An undercover operation had seized illegal copies of Radclyffe Hall's *The Well of Loneliness* from Parkes' Sydney Rare Book & French Art Studios nine months earlier.⁴⁰ Despite Customs' decision, the New South Wales Chief Secretary warned that any other bookshop selling Remarque's book, or any of the others seized, would be prosecuted under the NSW Act.⁴¹

All Quiet on the Western Front was also banned by the National Socialists in Germany in 1930 and burned in the bonfires of 1933.⁴² The other Australian states did not join New South Wales in banning it, while the press speculated on possible political motivations. In May 1930, the Melbourne *Argus* reported protests from the publishers of anti-war books, one article titled 'Youth Should Know the Truth'.⁴³ Lew Parkes wrote to the Customs Minister, the Treasurer, the Prime Minister and the newspapers in protest, calling for a tax on publications to fund a national literature censorship board, as a step towards uniform censorship across the states and federally. This prompted an internal minute in which Customs debated the question, but the Comptroller General's final word was that 'uniformity of legislation would *not* ensure uniformity of interpretation of indecency'.⁴⁴

Indexing the threat

In 1929, the Scullin Labor government replaced the sedition proclamation with a new one, puncturing the dragnet. The reference to 'any other civilised

country' was removed (thus allowing in many foreign publications), as was the anarchist offence of advocating 'abolition of organised government', and the Minister gained express power to allow the importation of otherwise prohibited items. The original proclamation was restored by the Lyons United Australia Party government in 1932, however, and its powers employed energetically. The provisions were incorporated into the Second Schedule of the *Customs Act* (as Item 14 of the regulations) in 1934, defining a 'seditious intention' with reference to the *Crimes Act*.⁴⁵ These powers proved highly controversial, even provocative, through the restless and politically conflicted 'hungry thirties', which witnessed the nation's highest levels of unemployment (up to one in three during the early 1930s) and harsh suppression of industrial protest.

In 1935 UAP Customs Minister Thomas White retrospectively accused the Scullin government of having allowed in 'scores of publications previously banned as seditious' during the 'dangerous regime of the Lang government in New South Wales'; after the international banking system collapsed in 1929, Lang had proposed Australia cut interest payments on its British debts rather than domestic living standards. Quoting at length from *Towards the World October*, banned in September 1933 – 'the working class of the capitalist world . . . is arming for an intensified struggle of the revolutionary masses' – White insinuated a link between the Labor opposition's reluctance to use sedition censorship and allegiances to communism.⁴⁶ He asked if Labor would countenance the importation of *Kropotkin's Revolutionary Pamphlets*, which advocated the abolition of all existing law and property in the event of a successful revolution. Francis Forde, previous Customs Minister in the Scullin government, attempted to deflect criticism by proudly recalling his record for banning indecent books at least.⁴⁷

The number of publications banned as seditious while the Lyons government's Item 14 was active, from 1932 until 1937, has been estimated to be approximately 200. But as legal scholar Roger Douglas notes in regard to this, 'it is a tribute to the government's success in keeping the banned list secret that estimates of the number of banned books vary considerably'.⁴⁸ Certainly the card indices kept by the Attorney-General's Department in those years number between 190 and over 200 titles, but not all titles in the indices were banned, and the two indices, ordered by author and title, are not identical.⁴⁹ Similar records for the 1920s or earlier are not available. By 1941, Customs could report internally that the number of seditious publications on

the banned list had been reduced to 90.⁵⁰ The same report noted that if even these titles were reviewed in the light of existing censorship practice, however, 'very few would be regarded as prohibited imports'. While the indices do not always indicate which titles were and were not banned, it is clear what kind of publications were targeted: socialist or communist publications from the USSR or the United Kingdom and, occasionally, the US.

So we have a bibliographic record of the way in which the threat of sedition was conceived for the nation. Predictable inclusions are ten banned titles each by Lenin and Stalin, including Lenin's *What is to be Done* (banned August 1933) and Stalin's *Lenin* (banned November 1934). Some of these titles were also banned in Croatian, Italian and Spanish, as well as other books on Lenin and Leninism in Czech, French and English. Three titles in English from Soviet novelist Maxim Gorky on 'foreign workers' or directed to African-American workers in the USA were banned, Australian workers conceived as another possible target. So too were books and pamphlets by Soviet intellectuals Clara Zetkin, Litvinov and Molotov, and Trotsky, as well as a variety of scholarly books on communism, the class struggle and imperialism by British and American writers that were not generally prohibited in their own countries.

Allen Hutt's *The Condition of the Working Class in Britain* from the Marxist publishing house Martin Lawrence was banned in 1934 and released in 1937. A Cambridge-educated Communist and prominent journalist, Hutt produced a series of books on the working class in Britain; this is regarded as the best of them.⁵¹ The Book Censorship Abolition League's deputation to Minister Thomas White in 1935 cited it as an example of political or economic works of merit circulating in Britain that should also be available in Australia.⁵² Four books by English writer Ralph Fox were banned from 1934 to 1937, including *The Colonial Policy of British Imperialism* and *Marx, Engels, Lenin on the Irish Revolution* (both published by Martin Lawrence). Another influential Communist, Fox was a political colleague and friend of some Australian expatriate writers (including Christina Stead), and was killed fighting on the republican side in the Spanish civil war in 1937.

Many pieces of Soviet propaganda like B. J. Bogushevsky's *Socialist Industry in the USSR Victorious* were banned, as was the *League Training Syllabus* from the Young Communist League in Britain. Periodicals like *The Communist International* from Modern Books, *Counter Attack*, *New Masses* from New York and the *Communist Review* from the Communist

Party of Great Britain were all prohibited in 1934, although the *Communist Manifesto* by Marx and Engels was 'allowed'. William Montgomery Brown's *Communism and Christianity* was banned, along with five other publications from the same author. Brown was an American Catholic bishop whose communist beliefs saw his extraordinary trial for heresy in 1924: his work was predictably seen as a threat to Australia.

Leading French leftist Daniel Guérin's *La Peste Brune a passé par là* – later translated as *The Brown Plague in Germany: Travels in Late Weimar and Early Nazi Germany* – was prohibited in 1934 and released in 1937. The grounds for its banning are unclear: perhaps, like the rumours about *Till the Day I Die*, it was regarded as a slur on a friendly power. Socialists voicing India's intensifying struggle for independence as part of a wider need for change were a particular target. As well as the books by Fox, Georgii Safarov's 52-page pamphlet *The Far East Ablaze* was banned in April 1935, as was W. Aust's *India's Fight for Separation and Independence* (from the Communist Party of Great Britain), but B. J. Bradley's *Trade Unionism in India* from Modern Books was allowed. The International Secretariat of the League against Imperialism in Berlin published a study of *The Colonised and Oppressed Nations in the Struggle for Freedom*, and this was banned in 1934 and released in 1937. Isolating Australia from arguments about the political import of turmoil in former colonial countries, even in its region, these bans register national anxieties about possible conflict here.

Fiction was also dangerous. Literary collections from the Soviet Society for Cultural Relations with Foreign Countries and the Union of Soviet Writers were banned, as was *Literature of the World Revolution*, edited by Bruno Jasiensky in Moscow and *International Songs of the USSR* from the Moscow State Musical Publishing Office. American Dorothy Myra Page's novel *Gathering Storm* (first published by International Publishers in New York in 1932, who printed it in the USSR, and then in the UK by Martin Lawrence), fictionalises the 1929 Gastonia cotton mill strike, in which Ella May Wiggins, a young mother, mill worker, song writer and activist, was killed by company thugs.⁵³ It was banned with Hans Marchwitz's *Storm over the Ruhr* and Klaus Neukrantz's *Barricades in Berlin*, both also socialist titles from Martin Lawrence via International Publishers, in a batch of 15 seditious publications confiscated from the Basement Book Company in Sydney in mid 1933.⁵⁴ Unlike Mike Pell's *S. S. Utah*, a similar example of American proletarian fiction published by Martin Lawrence in 1935, these

books were not referred to the new Book Censorship Board but banned directly, with literary merit no recourse.

In August 1935, newly elected MP Harold Holt found his imported copy of *Fascism and Social Revolution* by R. Palme Dutt had been seized. Customs clerk Charles Brossois reported that it 'strongly urged' the proletariat to 'hurry in bringing revolution since it will be immeasurably easier to prevent Fascism than to defeat Fascism once it is firmly established'. Customs Minister Thomas White allowed Holt's copy only after the future conservative Prime Minister had put his case that 'it would be of value to me as a work of economic and political reference.'⁵⁵

Determining the matter

Even Customs and the Attorney-General's Department did not always agree on what was sedition when they saw it, and the operation of Item 14 in the 1930s saw flip-flopping transfers of responsibility within government. Customs' convention was to refer doubtful cases to the Attorney-General's Department where the Minister 'determines the matter', but in practice Customs regarded nearly all Communist or revolutionary socialist publications as seditious, citing the Third International.⁵⁶ White as Customs Minister revoked the policy of referral and Customs alone was able to prohibit seditious publications for two years or so, from November 1933 to September 1935, according to Coleman.⁵⁷ Prime Minister Lyons then properly transferred the responsibility for decisions on sedition censorship to the Attorney General, although White still had to sign off on them.⁵⁸ The international Communist parties began advocating a united front against war and fascism, in line with the Seventh Congress of the Comintern in 1935, and after that the Attorney-General's Department began recommending their publications' release.

The sedition provisions were debated extensively within government through 1935 and 1936, in a period of noisy public protest, and questions were asked in Parliament in April and May 1936. In March 1936, George Knowles, as Secretary of the Attorney-General's Department, advised that literature directed against 'Fascism and Hitlerism . . . can do little harm in the Commonwealth' and that anarchist and IWW theories 'have been superseded by Communism'. On this basis paragraphs should be removed from Item 14, including the phrase 'any other civilised country'.⁵⁹ Still under Minister White, Customs instituted Knowles' policy change in 1937, ending the most draconian phase of peacetime sedition censorship. This change

released a significant proportion of publications, particularly non English-language books, including many banned Soviet publications about the successes of state socialism in the USSR.

In October 1941, Customs reported to the new Curtin Labor government on this more restricted approach, limited to threats to the established Commonwealth or State governments, 'even though a publication may be of a most objectionable nature from a seditious point of view in respect of other portions of the British Empire'. As a consequence, since 1937, seditious additions to the banned list had been 'practically nil'.⁶⁰ Thus, between 1937 and 1940, Mick Healy's Anvil Bookshop in Brisbane was able to import and sell Soviet and socialist publications from around the world, particularly Britain, including newspapers and pamphlets.

But on 15 June 1940, the very day that wartime National Security Regulations were gazetted, the bookshop was raided by the army and police and, according to Connie Healy, 'the entire stock was loaded onto military trucks'.⁶¹ The USSR had become aligned with Australia's enemies in the war, the Communist Party of Australia was outlawed, and left-wing publications of all kinds had again become suspect. Nine communist or Trotskyite newspapers had been banned already in May.⁶² The National Security Regulations overrode the separate powers and practices of Customs, the Attorney General and the Commonwealth Investigations Bureau, and the new Department of Information censored without reference to Customs' policy.

Customs retained only nominal control over ordinary censorship during World War II, while it endeavoured to inform Caldwell's department of established censorship procedures and to circulate directives to the ports.⁶³ A typical directive from Customs to its ports – this one before the USSR had entered the war – listed seven bans on the content of all communications, including three underlined imperatives:

No reference of any kind whatever to the War.

No reference to Neutral Countries including Russia.

No reference to the Censorship.⁶⁴

During the war years, the number of books referred to the Literature Censorship Board dropped as low as five.

Anti-censorship

Anti-censorship protest was strong through the 1930s and 1940s, in response to political censorship seen as draconian, and certainly had high-profile commentators. Bailey's article is one instance of powerful opposition to the regimes of Customs and the Attorney General; Bailey himself would become head of the Attorney-General's Department in 1946. The 1937 change to sedition regulations was arguably the result of lobbying from the influential Book Censorship Abolition League established in Victoria in 1934.⁶⁵ Bringing together representatives from Trades Hall, the Henry George League, the Libraries Association and the Australian Society of Authors, the League was initiated by Melbourne University's William Macmahon Ball, who as a lecturer in political philosophy had had six books confiscated by Customs. The presidency was offered to Western Australian novelist J. M. Harcourt, whose 1934 socialist novel *Upsurge* was the only Australian novel banned for its politics, although officially banned as obscene. Harcourt agreed only to chair the first meeting, where Macmahon Ball was elected as a figure less associated with Communism.⁶⁶

A Queensland Branch was established, electing as president outspoken pathologist Dr James Duhig, nephew of Brisbane's Catholic Archbishop. In Sydney in 1935, the adventurous nationalist publisher P. R. (Inky) Stephensen convened a meeting to set up a NSW Branch. Writers Dulcie Deamer, Bartlett Adamson and Clive Evatt (brother of the High Court judge) were provisional members,⁶⁷ as was banned novelist Jean Devanny. Stephensen's politics soon moved so dramatically to the right, however, that in 1938 his magazine *The Publicist* declared its approval of increased censorship to ban 'pornographic and crime-inciting American and British publications and cinema films (mostly of Jewish origin and inspiration)',⁶⁸ while his anti-British, pro-nationalist activities became increasingly fascist and anti-Semitic. After the outbreak of war with Germany and Japan, *The Publicist* itself was subject to an Order-To-Submit from the Chief Publicity Censor under the National Security Regulations, for fascist sympathies, instancing a rare example of censorship of right-wing or fascist material in Australia. Stephensen himself was later interned.⁶⁹

The Book Censorship Board's ostensible role was to temper the power of Customs by arbitrating on imported titles that had claims to literary or scholarly merit. The Board did not view the great majority of seditious titles, however, since most were referred to the Attorney General. But between

1933 and 1936/7, before policy changed and the Book Censorship Board became the Literature Censorship Board, members did ban some literary books on the grounds of sedition. These titles reveal something more of the ways in which sedition was identified: all include the possibility of obscenity as an offence, since that was the purview of the Board, and show how the charges were both imbricated with and distinguished from each other. More than this, these examples expose Customs and the Board repeatedly acting beyond their legal powers; even as they argued and speculated about what might be sedition, or how it might be constituted legally, the censors tended to ban rather than release.

S. S. Utah

The first novel to be banned by the BCB as seditious under the newly inserted Item 14 of Customs regulations was Mike Pell's *S. S. Utah*, published by the well-banned Martin Lawrence in 1934.⁷⁰ An American proletarian or socialist realist novel released through the Communist International, *S. S. Utah* fictionalises a strike on a merchant navy ship visiting ports between Los Angeles and Leningrad. The conditions for seamen in the USSR seem so much better that the American sailors stop work, while the novel's hero Slim Rogers proselytises on the benefits of international working-class organisation and resistance to capitalist exploitation. In the weeks it took for the Board to read it, in May 1934, the first industry-wide strike in the history of US shipping spread along the West Coast of America. The novel's enthused, propagandist portrait of the USSR is unexceptional for the genre, but violence associated with its strike offended the Board.

All three members began by considering the question of the book's obscenity, with Garran reporting that a charge of indecency could not be sustained, nor did the 'frequent sailor expletives' constitute blasphemy. The question of sedition was more difficult.

The views and actions of members of the Utah's crew are undoubtedly seditious; but there may be differences of opinion as to whether the author is merely telling a story about sedition or advocating it . . . from occasional passages in which the author speaks himself, and not through his characters, I regard the book as tendencious [sic] and advocating illegal violence etc. I should ban.⁷¹

J. F. Meurisse Haydon agreed, 'The author is . . . obviously sympathetic towards the use of lawless methods for the attainment of better conditions for workers, especially for seamen.' As did the last member, L. H. Allen, but with some qualification, 'The author is sincere, and his political views could well be called idealistic. The question could be raised whether the book is an incitement to, or a picture of the futility of, violence. I must believe it is the former, and do not see, therefore, how it can pass.'

Allen's comments highlight the difficulty literary or fictional sedition presents as a legal object. Haydon regards mere sympathy towards the use of 'lawless methods' for the improvement of workers' conditions as seditious; a highly tendentious (to use Garrahan's charge) interpretation of Item 14.⁷² All three reports question whether it is the author or the characters advocating sedition, nominating the author as the voice of the novel, as the literalism inherent in the task of reading for offence perhaps required them to. Difficulties with definitions, even separating sedition and obscenity, did not trouble Minister White in his speech to parliament in 1935, arguing that 'general censorship' under Section 52(c) of the *Customs Act* was hard to separate from that which fell under the provisions of the sedition proclamation. *S. S. Utah* was used to instance publications in which 'both indecency and incitement to violence are combined', even though the Board had explicitly found it not indecent.⁷³ 'The book is coarse but natural and healthy' was Allen's opinion. At once rude and dangerous was the Minister's.

Short Stories from China

The expansive sedition provisions also allowed Customs to ban fiction titles critical of foreign governments. American journalist Agnes Smedley was a feminist, activist and prolific writer, with a reputation for flamboyance and a long and passionate engagement with Chinese revolutionary politics. Her writings include three influential books of China reportage, a memoir, hundreds of media articles and the autobiographical novel *Daughter of Earth*. Remembered particularly for her 'outrageous antics (which included racing horses, cross-dressing, and offering lessons [in China] on birth control, Western dance, and romantic love)',⁷⁴ Smedley was friendly with Margaret Sanger, Emma Goldman and Mao Zedong. She appears to have operated with some independence as a revolutionary in China through the 1920s and 1930s, until Stalin's consolidation of control,⁷⁵ but was also dogged by rumours and charges of having been a spy. These were refuted as McCarthyite smears

by the American left for many years, until Ruth Price's recent examination of newly opened Comintern files in Moscow. In *The Lives of Agnes Smedley*, Price declares, 'Over 25 years, and on three continents, Smedley not only worked for the Comintern and Soviet military intelligence, but circa World War I she also was in the employ of the German imperial government while aiding the Indian independence movement.'⁷⁶

Caught up in international intrigue to a degree that few western women were, Smedley witnessed some of the most highly charged political conflicts of the twentieth century. But Smedley's extraordinary lives, using Price's plural, never really touched Australia. The treatment of her work demonstrates the way in which censorship regimes filtered information about such conflicts, in those decades when communist and anti-imperial independence movements, particularly in Asia, were the largest threats to British interests abroad and to white Australian 'civilized government'.

In 1933, Smedley provided a forward to a collection of short stories from China, translated by Cze Ming Ting, again from Martin Lawrence via the International Publishers in New York. When *Short Stories from China* was forwarded to the Board, Garran began his report by voicing doubts first about its provenance:

I doubt the authenticity of the stories – most of them do not read to me as Oriental. I don't think they are indecent. The object of their publication seems to be revolutionary propaganda, but I do not see any direct incitement to revolution – except perhaps in 'Night of Death' (p.6) and 'The Great Depression' (p89).

I think however they are likely in the hands of persons inclined to Sovietism, to create sympathy with revolutionary communism in China, and may therefore be regarded as seditious, and proper to be banned.

Meurisse Haydon agreed that the stories were 'seditious in spirit'. Customs banned *Short Stories from China* on 24 March 1936.⁷⁷

Garran used the definition of sedition from the Hughes proclamation, particularly clause (a), which prohibits '[l]iterature wherein is advocated . . . the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilised country.' 'Creating sympathy with revolutionary communism in China' is nevertheless at some

remove from directly advocating the overthrow of government; while Garran notes that there is no 'direct incitement' to revolution. And Haydon's mere 'seditious in spirit' description is far from a clear indication of the ways in which the book fell within the provisions.

The very idea of fictional sedition, such as that apparently demonstrated by these Chinese writers, brings with it a long and politically disreputable history of dubious interpretation. Garran and Haydon not only used a definition of sedition so broad as to include sympathy for a threat to an entirely separate nation, they identified sedition merely in the likelihood 'to create sympathy' for a fictional, or possible, revolutionary action. The affective purpose of fiction – its ability to engage a reader by means of subjective identification – is designated as its threat to state power. The difference between creating sympathy and advocating for such action is collapsed. Socialist writers wanted to incite readers to change their world; their ability to do so, however, was by no means definitely seditious under Australian law, despite the Board's opinion.

The Attorney-General's Department made this clear. *Short Stories from China* was referred there by Customs, as it was to the Board, but George Knowles as Secretary of the Department had a different view. It was in March 1936 that his new advice that the threat of sedition only include 'the established government of the Commonwealth or of any State' reached the Department. His opinion of Smedley's book went to the Comptroller General in August 1936: 'I do not think that, as Chinese internal affairs only are concerned, its prohibition would be in accordance with the view more recently adopted'.⁷⁸

Upsurge

Sedition at home should have been easier to ban, but the single instance of an Australian novel prohibited for its politics reveals further problems in applying the law to fiction. J. M. Harcourt's *Upsurge* was banned by the Board on 20 November 1934. Written by a West Australian and set in Perth and the southern parts of WA, it was published by John Long in London early in 1934. Its arrival and circulation in Australia met with some shock and by the time *Upsurge* came before the Board in October 1934, it had faced legal action and prosecutions under state laws. Western Australian police raided bookshops that stocked it; Dymocks bookshop in Sydney was successfully prosecuted for selling it, but it was passed for import by Customs offices in South Australia

and Melbourne.⁷⁹ The National Council of Women in Australia wrote to Thomas White asking that *Upsurge* and *The Pearlers*, Harcourt's first novel, be banned as 'extremely objectionable'.⁸⁰ When it was finally forwarded to the Comptroller General, Clerk C. J. Carne in the Western Australian Customs office reported it both indecent and seditious under the Act.⁸¹

Only two members of the BCB tendered reports. Garran was sure that the book was obscene:

A crude book, on the subject of 'revolutionary upsurge.' It is distinguished by some very gross passages.

E.g. pp. 31–2 – 'Lord of the Urinal' – just dirty with no apparent reason. And the brothel scene – pp.189–90, even if it may be justified as helping to describe Riley's mentality, is quite unnecessarily indecent – on a level with an indecent photograph.

A book can't be 'cut' like a film. If a writer chooses to introduce obscenities like these, I should ban.

As he saw them, Haydon discerned both obscenity and sedition: 'I should ban this book. It is not without good points, but I should condemn it on grounds of indecency. Further, the author is manifestly in sympathy with certain acts of lawlessness, and displays a marked tendency to hold up established authority to contempt or ridicule.'⁸²

Upsurge was the only Australian novel to offend the censors with its explicit politics, and the first book to be properly regarded as both obscene and seditious. It would have served Minister White's argument about the confusion much better than *S. S. Utah*.

For Harcourt, politics and sexuality came together in his book's socialist critique of Australian society: 'The theme of the novel is the modern economic crisis with its accompanying decay in the manners and morals of society'.⁸³ So Carne, the WA Customs Clerk, was correct to identify a 'link in the fiction between sexual promiscuity and the inevitable decay of capitalism', noting that all the characters except the Communists lead 'immoral lives'.⁸⁴ *Upsurge* is also Australia's first recognisably socialist realist novel, obeying conventions of that genre as it was being developed by Soviet thinkers and copied internationally by writers in sympathy with workers' movements. Haydon's assessment that Harcourt was 'manifestly in sympathy with certain acts of lawlessness' is a cold-blooded response to a novel propelled

by the galvanisation of massed unemployed workers who march into Perth intending to seize the State Treasury and overthrow the government. The failure of their action is imputed only to brutal suppression by WA police and government ministers. The novel's portrait of possible revolution in Western Australia, led by the most marginalised and least powerful group of workers, was informed by the activities of the Unemployed Workers Movement, formed in 1930 by the Communist Party and soon boasting a nominal 30,000 members.⁸⁵ Bringing communal activity to the shanty-towns of the unemployed, the movement was directed against their extreme suffering and alienation. Harcourt imagined an organic 'upsurge' of revolutionary action from these alienated poor.

C. J. Carne recognised the novel's effects more directly than Haydon, declaring it 'thinly disguised propaganda on behalf of Communism and social revolution', in which Western Australia 'is depicted as possessing thousands of unemployed who are rife for revolution'.⁸⁶ The fictional actions of the characters are surely sedition under the provisions. It is extraordinary then, as Nile notes, that Garran made no mention of this central concern of the novel, which was to offer a local vision of revolutionary change to readers then suffering under severe economic conditions. Perhaps the obscenity of *Upsurge* was clear enough for him and a ban needed no further justification. For Garran, Allen and Haydon reading for the nation's moral protection, a book's indecency was still the first question and its sexual charge its first offence. Banning the novel as primarily obscene also avoided emphasising its political content and could minimise public criticism of the political censorship of literature in a high-profile local case. The complaint that obscenity and sedition were difficult to separate in practice, moreover, allowed government to smear genuine political material with the taint of disreputable pornography, even though the Board had distinguished between them.

Sex and socialism

The first obscenity that Garran identifies in *Upsurge* is its use of a central character's street nickname, in that character's role as a convicting magistrate:

'Why do they call him the Lord of the Urinal?'

'Because of his name—Jimmy Riddle.'

'But I don't see how that . . .?'

'Rhyming slang. Jimmy Riddle means . . . er . . . to make water.'

They call his court the Urinal.'

'Oh! How . . . ribald!'⁸⁷

This rhyming reference to 'widdle' was 'just dirty for no apparent reason' for Garran. Its function as a sympathetic record of working slang, ridiculing a judge who sends demonstrators to prison despite his encounters with key sympathisers and activists in his private life, was refused by the censor. Garran's often assertive readings typically evidence sensitivity to 'vulgar' or 'coarse' language in similar judgements of books representing working-class life. Sex and socialism did not accidentally feature together in such books.

The second obscenity identified in *Upsurge* is the brothel scene. The heroine, Theodora, is a modern young woman, daughter of a coal miner and working as a cashier in Perth's largest department store. Her interest in politics is spurred by this, as well as a troublesome affair with the son of its owner and her separate attachment to the novel's revolutionary intellectual, the working-class Steve Riley. Alone with her in her flat, Riley charges Theodora with class treason in her attachment to Riddle, the magistrate, and to other wealthy men: 'You forget that men are only wealthy and gay and charming at the cost of the misery of your own class . . . Why don't you choose lovers from your own class?' Theodora replies: 'I'd rather have you as a lover than either Charles or James.' Steve recoils and leaves immediately to make his way to 'the nearest brothel'.⁸⁸

The short scene that ensues is intended to be shocking in its debasement of Theodora's declaration and in its portrait of the 'ascetic' revolutionary whose detachment from women means he is unconscious of the political economies at work in prostitution. But it was also shocking for readers like Garran and Haydon in 1934. The two women offered to Riley and the Madam who offers them are described as 'raddled' with disease. The women wear 'high-heeled red shoes and black stockings and dresses that reached only half-way down their thighs';⁸⁹ such description is what prompted Garran to place it 'on a level with an indecent photograph'. In her room, the girl chosen by Riley then 'examined him to make sure that he suffered from no disease, anointed him with a smear of ointment then extended her hand', asking for payment.⁹⁰ This reference to the handling of Riley's genitals alone could cause the book to be banned as obscene by the BCB, and the description of the women's actions and attire as well as the explicit purchasing of sex for five shillings made it clearly so.

Other realist and socialist realist novels of the 1930s with similar critiques of a degenerating society were also banned as obscene. High cultural literary forms like the novel were compelled to seriously engage with life on the other side of the class divide during the 1930s, as the Depression continued and socialist and Communist critique informed aesthetics across the world. Australian censors strongly policed the access of working-class or ordinary readers to publications critical of existing economic and social orders, however. Besides banning for sedition, restricting cheap versions of French naturalist fiction while allowing expensive limited editions was one method and banning realist books as plain 'vulgar' was another.

Nineteen Nineteen, the second volume of US socialist John Dos Passos' great experimental anti-war trilogy, was banned directly by Customs in January 1933 and not released until 1937.⁹¹ Even *The Grapes of Wrath*, John Steinbeck's iconic novel of the American Deep South in the Depression was referred by Customs for the Board's consideration in 1939. Passing it, Allen recognised its subject matter was 'not over-nice in dealing with the facts of nature,' but it could not be found offensive 'if read in the light of the pathos and tragedy which pervade the book. The author's earnest wish is to see the abolition of desperate conditions for workers'.⁹² Robert Westerley's *Wide Boys Never Work*, however, provoked a comment from Literature Censorship Board member Kenneth Binns on the 'growing tendency' of particularly American writers to include 'coarse and obscene' details. The Board placed it on 'limited circulation' in 1939. *Wide Boys Never Work* was also listed as prohibited in the Attorney General's index, as well as Customs General Order 890, suggesting that its portrait of British working-class boys sliding into underworld crime was suspected of political offence as well as obscenity.⁹³

American social realist Erskine Caldwell's best-selling *God's Little Acre* from 1933 was banned in Boston and in the author's home state of Georgia, but it was the object of a high-profile obscenity trial in New York in which Caldwell prevailed and the book was released.⁹⁴ Customs banned it from Australia in 1933 and released it federally only in 1958, but it was banned again in Victoria in 1959 under that state's *Police Offences Act*.⁹⁵ Set on a small family farm in rural Georgia, the novel chronicles the dissolution of a poor white family set on digging up their land for gold, without success. This central plot is paralleled with a failing, desperate strike by mill workers in which a favourite son-in-law, a leading figure in the protest, is killed. The dissolution in *God's Little Acre* is centrally sexual, but connects sexual passion

with class-conscious heroism as similarly fatal passions, as well as hinting at father and daughter-in-law incest. This last undoes the family's loyalties both to their class and to each other. The novel has much in common with *Upsurge*, but pursues even further a political interest in disrupting bourgeois morality.

Caldwell was more famous for *Tobacco Road* (1932), also depicting poverty and unrest in America's southern states, which was assessed with *Journeyman* (1933) by the Literature Censorship Board in 1941. While Haydon, the French expert and long-serving original member, found both titles obscene, the Board agreed to release *Tobacco Road* and place *Journeyman* on restricted circulation, as another example of 'low class' obscenity with enough literary merit to allow circulation only to elite readers.⁹⁶ In 1947, another Caldwell novel, *Tragic Ground* (1944), occasioned further disagreement between the members. It was praised by Binns, as the other titles had been, and carefully defended as necessarily frank by Allen so it escaped banning, but Haydon declared: 'In my opinion, the book is rubbish – and filthy rubbish at that. I would ban unhesitatingly.'⁹⁷

By 1949, *Publishers Weekly* could call Caldwell 'America's Most Censored Author'. In August of that year, the LCB including Haydon unanimously passed Caldwell's *Trouble in July*, Penguin's 1947 reprint of a 1940 book. The reports included a forthright defence of the author as a chronicler of life in the southern states of the US, including of white brutalities against African Americans. Binns' defence of the book shows us something of what Australian (and some American) readers had been missing in Caldwell:

Although we in Australia may think this exposure of race brutality almost unreal and unbelievable and although it is strangely repudiated by Southern apologists it is necessary a book by such a leading authority and accomplished writer to [sic] come to Australia if only because it is a necessary document for the social study of the American people.⁹⁸

The Butcher Shop

Sex and socialist ideas were mutually offensive in the very first Australian novel banned – *The Butcher Shop* by Communist and feminist Jean Devanny. Her first novel, it was written and published in New Zealand and prohibited there in 1926. Devanny moved to Australia in 1929. A later Devanny novel, *The Virtuous Courtesan* set in bohemian Sydney, was prohibited in 1935.

Both were identified by Customs as 'sex books' and banned until the general review in 1958.⁹⁹ A third book, *Poor Swine*, was referred by Sydney Customs as an indecent publication in 1933, but the Comptroller General Ernest Hall declared that a court would not uphold this and ordered its release.¹⁰⁰

Both *The Butcher Shop* and *The Virtuous Courtesan* assert radical critiques of sex inequality, using feminist socialism influenced by Friedrich Engels and other thinkers, and question marriage and the family. Like some of Devanny's other novels, they feature heroines who eloquently assert their right to enjoy having sex with more than one person, and like the books of Caldwell, Harcourt and Hardy, they are serious novels with political intentions. Devanny's focus on women's experiences distinguishes her work, and the tropes and plots of romance and the then fashionable 'new woman' novel characterise it too. *The Butcher Shop*'s initial offence, in this context, is ambiguous. Banned by the New Zealand Censorship Appeal Board under the *Indecent Publications Act*,¹⁰¹ Bill Pearson argues that it also offended New Zealand authorities under war-time amendments proscribing the importation of 'any document which incites, encourages, advises or advocates violence, lawlessness, or disorder, or expresses any seditious intention'.¹⁰²

A cable from British Home Secretary Sir William Joynson-Hix, popularly known as Jix and active in notable literary prosecutions in London in the late 1920s, advised the NZ Prime Minister to watch for its arrival from its publishers, Duckworth in London. The cable described *The Butcher Shop* as an 'alleged depiction of station life New Zealand disgusting indecent communistic' (sic), even though it was not prohibited in Britain. Pearson says the cable's description reflected 'the confusion of motives that marked the reception of the novel: affronted national sensibility as well as moral and political objections'.¹⁰³ Sweeping condemnation from the NZ Censorship Appeal Board echoed the ambiguity: 'The Board considers this a bad book all round – sordid, unwholesome and unclean. It makes evil to be good. We are of the opinion it should be banned.'¹⁰⁴ Set on an isolated New Zealand sheep station, with a new woman heroine called Margaret, the book details her loving marriage to the station owner and then her choice to begin a passionate sexual relationship with the station's manager. The sexual jealousy of the men results in violence and tragedy, but the novel attempts to voice a rational defence of the heroine's choices and actions, refuting patriarchal double standards and capitalism's model of marriage as ownership of women – thus making 'evil to be good'.

Two of New Zealand's daily newspapers protested the banning. Journalists wondered why the novel had been 'singled out from so many others circulating that might have been found equally offensive, and both guessed that the reason was that the story was set in New Zealand'.¹⁰⁵ The student newspaper of Victoria University College protested while in an interview for the *New Zealand Times*, *Christchurch Sun* and *Otago Witness*, Devanny defended the book: 'I am not surprised that my book has been banned . . . I know it is horrible, brutal, revolting. But life is brutal – brutal to women, working women.' Her aim was to 'show the subjugation of women from ancient times'.¹⁰⁶

To novelist Nelle Scanlon in the *NZ Free Lance*, Devanny suggested that 'a good deal of the opposition to the book might be political. I cannot dissociate my writings from my Socialistic views, and the book was written with a purpose'. In Australia, reporting on the scandal, the *Daily Telegraph* praised the 'absolute liberty of thought and expression' of *The Butcher Shop*, while Seton Crisp in the *Bulletin* mocked the over-protectiveness of New Zealand authorities.¹⁰⁷ Three years later, Australia also banned it, and much less ambiguously. Australian Customs issued a General Order placing *The Butcher Shop*, with D. H. Lawrence's *Lady Chatterley's Lover*, on the list of prohibited publications on 7 November 1929.¹⁰⁸

Devanny's move to Sydney was partly prompted by the novel's NZ reception but she did not moderate her voice in her new home. Her debut address in Sydney in August 1929, on 'Literature and Morality', was an eloquent attack on censorship.¹⁰⁹ This appears to have brought Devanny and her novel directly to Customs' attention, however. Rather than allowing *The Butcher Shop* to circulate in a more liberal regime, Australian authorities had just not yet noticed it; its file begins with the *Daily Guardian's* report, titled 'Hectic Books Harm Old, Not Young!' and continued: 'With her severe Eton crop and her long frock, she made a striking figure yesterday when she spoke to an audience at Aeolian Hall. Her long arms, from which hung seraphic draperies of white chiffon, waved about a great deal as she spoke at a rapid pace.'¹¹⁰

The *Daily Guardian* vividly evokes her as an assertively modern woman and outspoken figure, with a reputation for challenging views on many subjects, while the *Herald* reported her contention that 'censorship by the State was a far greater evil in itself than any it proposed to cure'.¹¹¹ Devanny

declared, 'Because of the candour and nakedness of today, we have a freer life than we've ever enjoyed before. What is there wrong in a girl wearing nothing but a bathing costume? But take the clothes of a hundred years ago – they were mystical – and there is nothing worse for the morals of youth than mystery in some matters.'¹¹² But her confidence in a 'freer life' in Australia was manifestly misplaced. As Pearson notes, this 'very appearance in public . . . led to the censorship of *The Butcher Shop* in Australia'.¹¹³

A month later, a shipment for Dymocks Book Arcade with six copies of the book arrived in Sydney. A creased, brown paper envelope included in the Customs file shows that a copy of it was walked over from the port in Sydney to the Customs building at Circular Quay. The initial examining officer, noting from the *Daily Guardian* that it was banned in New Zealand, reported on 19 September 1929: 'I have perused it and found it is a "sex" novel. There are no passages that could be described as indecent although the sexual relations of the several characters are plainly stated.'

Despite this lack of indecency, the book was forwarded to Charles Brossois, Clerk in the Investigation Section at Sydney Customs. His report, submitted to the NSW Collector of Customs on 25 September, is as detailed as most of his reports, stepping out 'the sexual relations of the characters' almost page by page, with lengthy quotations and some comment. He emphasises not only detailed descriptions of sex between Margaret and the two men, but Margaret's defence of her extra-marital affair with the station manager, described as her ideal sexual match. Brossois' assessment was, 'The philosophy expounded by the author is pernicious. It assails the fundamentals of present-day society and in advocating loose morals for married people constitutes a definite danger to impressionable youth.'

Margaret's claims to gender equality were also offensive. Brossois quoted her wish for 'a race of emancipated women, free in body and mind, economically independent, choosing their own mates, marching onward to that goal which the finite mind of man cannot now even perceive'. This was self-evidently indecent for him, while the novel's suggestion that female sexuality is a material divinity for which a Christian God is but a cover was a notable inclusion in his lists.

Another character's sexual relations with the hard-working, morally upright and intelligent Maori station-hand Tutaki were also noted by Brossois. The inter-racial sex was indecent, *and* it was extra-marital, satisfying lust only: 'A full blooded Maori excites her passion and she seduces him.' Or 'Miette

succeeds again with the Maori.' Unnamed, Tutaki's presence is offered as a self-evident feature of the novel's indecency, along with its advocacy of sex outside marriage and the pursuit of sexual pleasure for (white) women. Devanny's serious interest in Maori and Pakeha relations in New Zealand, evidenced in short stories from her 1927 collection *Old Savage* for example, like her feminist politics, was found instead to be a feature of the book's offence.

Evil to be good

On Brossois' advice alone to the NSW Collector and then the Comptroller General, *The Butcher Shop* was banned by Customs in late 1929.¹¹⁴ Despite knowing of Devanny's residency, Customs did not notify her. In a letter of protest to Francis Forde, Minister of Customs in the Scullin Labor government from February 1930, she reports having been first informed by Duckworth and Co. only that copies of the book had been returned to them. She went 'immediately' to the Customs Office and was shown her book on the banned list (General Order 890), which was perhaps the only way in which a local author could confirm that her or his own book had been prohibited: there were no evident protocols. Devanny noted that if it had been banned as obscene, 'it did not come under the operations of the Proclamation recently issued by the Federal Government', referring to the Scullin government's update of the Hughes proclamation banning seditious publications.¹¹⁵ Evidencing the confusion surrounding the NZ ban, Devanny's concern also shows that while the Australian changes liberalised the law, they also renewed public anxiety about sedition censorship.

To Forde, she put the case that:

This novel has been freely circulating in Australia, Great Britain and America for nearly four years. It was banned from my own country, N.Z. after publication, because of its exposure of the conditions obtaining on the N.Z. farms, which exposure prejudicially affected the emigration policy then in full force.

She pointed to the adverse press brought by the banning in New Zealand and highlighted for the Labor minister the fact of her being a 'lecturer and worker' for the NZ Labor Party at the time, while 'the Tories were in possession of the benches'. Her appeal to his political progressiveness was passionate:

But sir, is it fair that we writers of the younger and Labor school should be penalised for frank and open discussion of the social and sexual problems we spend our lives trying to readjust, while the mere money-seeking dabblers in literature of the old schools are encouraged to flaunt their bawdy wares in our faces? Had my book been simply a lurid description of the sexual depravity of the moneyed classes, like . . . hundreds of others allowed free sale in the Commonwealth, would it have come under the ban of the censor?¹¹⁶

In contrast to her book, Devanny noted two works then circulating: the monumental *My First Two Thousand Years: The Autobiography of the Wandering Jew* by George Sylvester Viereck and Paul Eldridge, and Aldous Huxley's novel *Point Counterpoint*, both published in 1928. Huxley's book satirised the London activities of Australians Jack Lindsay and P. R. (Inky) Stephensen, then publishing classic erotica in London, in expensive subscriber editions with illustrations by Norman Lindsay.¹¹⁷ Her frank and passionate style was their opposite.

Devanny included a long list of quotations from glowing reviews of *The Butcher Shop*, including the *Glasgow Herald's* pronouncement that 'As a strong, virile drama of life in a little known colony it is almost a masterpiece'. The novel had sold 15,000 copies in Britain by then and run into four editions. The US Macaulay Company edition attracted an American ban only under the strict Boston statute in 1927, while the German translation *Die Herrin*, released in 1928, was later added to the Australian banned list when Devanny arrived from Europe with it in her suitcase in 1932.¹¹⁸ She finished her four-page letter to Forde:

I am, Sir, absolutely in favour of laws against obscenity, in literature or otherwise, but surely the giving of arbitrary power into the hands of a Customs official, who one has no reason to believe is possessed of any aptitude for the position of censor, is an unjust and futile procedure.¹¹⁹

Charles Jerome Brossois was no ordinary Customs official. In the hierarchy of the bureaucracy, he was the Investigations Officer deputised to read and assess all doubtful publications sent from Sydney's busy port. It was Brossois who decided whether any title seized in NSW should be released back to an importer, prohibited directly or forwarded on to the Comptroller-General's

office in Canberra, complete with his detailed report on its judged offence. He performed this office for more than two decades, furnishing reports until 1949 and becoming perhaps the most experienced reader of obscene and indecent publications in the Australian public service.¹²⁰ It was also Brossois whom the NSW Collector of Customs defended in the *Sydney Morning Herald* in May 1930, in a furore over the banning of Norman Lindsay's *Redheap*. Brossois was 'widely read and versed in several languages', asserted the Collector, but he used as the test of obscenity and indecency the tastes of the average householder.¹²¹

Minister Forde himself responded to Devanny, promising to have her book carefully reviewed. In late March 1930 he reported that he had 'personally examined the book' and was 'unable to vary the decision previously given'.¹²² Continuing what was proving to be a highly combative and unproductive struggle against Australian authority, in June Devanny published an essay on 'The Literary Moral Standard' in *Stead's Review*, as the companion piece to Palmer's 'Fog on the Wharf'. A modernist defence of intellectual avant-gardism, it distinguished between the repression of political dissent and moral censorship only in order to argue that they were actually part of the same. For Devanny, surely reflecting the treatment of *The Butcher Shop*, although she left it unremarked, government repression had merely moved from one to the other:

The conditions of modern life have broken down the attempts to make the whole of a people conform to one standard of social and political thought, and have now concentrated such activity on the maintenance of a traditional standard set of morals. There last efforts must prove equally futile with the former, for how is it possible to set a legal standard of decency for the whole of a people any more than a legal standard of political thought?¹²³

Citing as an example South African Olive Schreiner's feminist novel *Story of an African Farm* from 1883, which was a 'plea for the elimination of the double standard of sex morality' that was 'in [Schreiner's] day revolutionary, now old-fashioned', Devanny posited sexual morality as a political and social question, mutable and contestable. Offering an intellectual approach to the issue, Devanny's was an exceptional anti-censorship protest in Australia. 'Indecency in literature', she wrote, making 'no allusion' to obscenity, is

‘nothing more or less than a standard of literary propriety in advance of the simple majority’s standard. Ideas come after the conditions. Writers can only reflect the conditions’.¹²⁴

Her progressive vision was more than premature, of course. Forde’s regime was soon over taken by White’s, and any connections between sexuality and aesthetic experimentation – or modernism – became more offensive rather than less. Connections between political critiques and sexual freedom continued to be made, especially by feminist writers, via Engelsian critiques of marriage like Devanny’s or in novels like *Haxby’s Circus* in 1930, by the more celebrated Communist Katharine Susannah Prichard, or in other ways. But it is hard to deny the impact of censorship on the aesthetic expression of this kind of liberatory left or feminist politics in Australia in this period. If it was not banned as seditious, it could be found to be indecent, and vice versa. And censorship impacted on the development of literary modernism in Australia in profound ways, as the next chapter explores.

In 1932, Devanny’s husband Hal became the first and only person charged under the unlawful associations provisions passed during World War I. As publisher of the Communist *Workers’ Weekly*, he was charged for soliciting funds for an anti-war conference, although the High Court overturned his conviction.¹²⁵ In 1934, the journal reported the establishment of the ‘Jean Devanny Defence Committee’ ‘to form a basis for a campaign against the censorship of literature and kindred activities’, with a membership of nine.¹²⁶ A lack of further reports suggests its efforts were overwhelmed by a series of rolling protests from the middle of that year against a ban on the distribution of political literature in the Sydney Domain, where speakers could proselytise to audiences taking their leisure. On Sunday 17 June, 2000 workers rallied, reported the *Workers’ Weekly*, and four people handing out leaflets were arrested.¹²⁷ The next weekend, a mass sale of literature was staged with a special rally, with too many sellers for the police to handle.

Looking more closely at those forms of sedition that have also been seen as obscene magnifies the thorough-going, historical connections between political domination and moral consensus. Conversely, identifying those forms of obscenity which have been regarded as seditious allows us to think more clearly about what kind of threat a moral threat presents to a nation state. Obscene sedition bannings evidence the active role of Australian government in constituting moral as well as political legitimacy, and creating and enforcing moral consensus as a political fact.

Brave new moderns

Mrs Joan Davies wrote to Customs in June 1933, ‘for information regarding a novel entitled ‘Brave New World’ by Aldous Huxley . . . I was under the impression that this book was banned from Public Libraries but a copy of it has just come to my hands lent to me by a subscriber to the School of Arts Library, Thursday Island’. From the far edge of Customs’ authority, on an island 39 kilometres off the north coast of Queensland, the wife of the Anglican Bishop of Carpentaria sent her letter to the Comptroller General, concerned about the influence of Huxley’s controversial novel on the island’s readers. ‘The subscriber brought it to me asking for an opinion and whether I understood its meaning’, wrote Mrs Davies. ‘If this book is banned by your department I hope you will have the copies or copy recalled from this Public Library in the interests of the simple and unsophisticated young people who subscribe to the Library and who are residents of this island.’¹

One of the twentieth century’s most famous books, *Brave New World* was a prohibited import in Australia from 12 October 1932 to 18 March 1937. It was one of Customs’ most controversial bannings – Australia was joined only by Ireland in prohibiting the book – and Customs imposed the ban ten months after Huxley’s book had been published in the UK. As Joan Davies discovered, in that time copies of it had circulated to far distant parts of Australia. ‘One gets out of touch with such matters living away in the North,’ she admitted, acknowledging the ‘storm of criticism which the publication of the book caused last year . . . but one still feels keenly interested in the welfare of those amongst whom one lives, and so I venture to write thus and obtain your help’.

Queensland Customs were asked by the Comptroller General to

'arrange as tactfully as possible' for the copy in the island's library to be 'handed over to the custody of this Department'. Sub-Collector Bliss reported to the Queensland office from Thursday Island, however, that he had interviewed the Mayor who was 'at the present time . . . unable to locate it . . . Apparently one of the subscribers has taken the book without the knowledge of the authorities'. With its picturesque red-and-white timber Customs House, Thursday Island was an important pearling port, ships from Asia often calling there before anywhere else.² Like other islands and regional ports its distance from government was a challenge to Customs' control, even as the moral control exercised by missionaries aided national measures. *Brave New World* was handed over by the Town Clerk in late August 1933 and the Sub-Collector finally forwarded it to Brisbane.

Huxley's novel is now principally remembered for its exceptional predictive powers, as an influential warning of the developments of genetic manipulation, biological control as social control and the prospect that individuality and liberal democracy would be diluted by mass-produced forms of popular pleasure. It has had a long life as one of science fiction's most caustically satirical portraits of totalitarian control. Included in that satire is the practice of censorship, since in the year A.F. 632, the novel's World State has banned Shakespeare, the Bible and all old books, except the hyper-consuming, production-driven society's totemic book, Henry Ford's *My Life and Work*.

For the Kuarereg readers of Thursday Island, or Waibene, who were subjects of the Empire but denied the right to vote in Australia until 1965, *Brave New World* offered a satiric vision of England 600 years in the future. The family is abolished, children are designed in-vitro, 'decanted' from bottles in factories and conditioned for happiness in rigid inequality, while social relations are dominated by group sex, compulsory heterosexual sex from a young age and prescribed opiate-style drugs. Huxley took up what he saw as the negative ideas of socialists and free thinkers such as George Bernard Shaw and H. G. Wells. (These two writers had also been prominent targets of censorship in the UK and Europe, and active opponents of it – Wells gave a stirring speech against censorship during a visit in 1939 declaring Australia 'a half-Fascist country' on account of it.)³ Huxley combined this with a liberal critique of eugenics as a form of population control, and an aesthetic critique of the growing power and appeal of popular forms of culture, including film, radio and commercial advertising in particular.

Against this vision of a totalitarian World State of designed humans, the novel sets a so-called 'Savage Reservation', located in the southern parts of the US and in Mexico. Like other modernist work of the period, *Brave New World* conjures a phantasmic, alternative world outside capitalism, with a post-Freudian interest in non-Western forms of sexuality, as a reminder to an England still proud of its Empire that virtue and significance could be located beyond its reach. This vision of indigeneity as modernity's opposite, its counter-balance, belies the more complex reality of the colonial modern, in which the people of Thursday Island smuggled copies of banned modernist books out of the municipal library, to the consternation of the mission's Bishop's white wife.

In many ways *Brave New World* is a conservative novel, arguing against the tendencies of modernity in 1932 and revaluing English, upper-class forms of individuality defined by taste and feeling, as well as the traditional form of the family. As a commentator in the Brisbane *Daily Mail* noted, protesting its banning:

One could not challenge the opinion of the reader who found it an unpleasant book, but if he grasped the satire he would realise that it makes this old and anxious world, with all its moral perplexities and inconsistencies, appear to be not such a bad place after all, compared with the 'brave new worlds' projected by our Utopians.⁴

Compared to the work of a feminist socialist like Jean Devanny, actively interested in transforming society, Huxley's novel is a moderating force for the status quo.

Not for the acting Minister for Australian Customs J. A. Perkins, however. The novel was first brought to the laggard attention of Perkins by the Reverend R. H. B. Williams, editor of *Australian Churchman*, who wrote on behalf of the National Council of the Church of England Men's Society in June 1932 that, 'In the course of a letter it is difficult to set forth the many grounds of objection . . . I am therefore enclosing a criticism from the London *Sunday Express* of April 10th last, which does not overstate the case against it.'⁵ Titled 'The Man Who Hates God', the article was by the newspaper's crusading editor James Douglas, who had conducted a campaign against Radclyffe Hall's breakthrough novel of tragic lesbian identity, *The Well of Loneliness*. This had resulted in the sensational prosecution of her

publisher, a UK ban in 1928 and an Australian ban in April 1929. Douglas did not prevaricate in his criticism of *Brave New World*: 'Mr Huxley's misanthropy is nauseous. It is saturated with obscenity and atheism . . . It must be read to be retched over. Its pioneers are Joyce, Lawrence and Frank Harris, whose vilest excreta are still banned. Mr Huxley would ban nothing.'

Douglas particularly objected to the use of the word 'Ford' in substitution for 'Lord', such as 'Our Ford loved infants', in Huxley's parody of the worship of Fordist production and consumption. 'All the Ford puns are veiled blasphemies,' Douglas declared, before ending his article: 'Christianity has too long hesitated to take the field against its foes. Its paladins ignore their saps and sieges. They must make up their minds to fight.'⁶

Acting Minister Perkins prohibited the novel on 12 October 1932, having read the copy forwarded to him from the NSW Customs Office, who had it on loan from the director of Angus & Robertson. No report was provided by staff in Customs' Investigation Section and the Literature Censorship Board was not yet in existence. The Minister used his individual powers under the *Customs Act* to ban it and did so without explanation. Perkins was replaced by Acting Minister J. A. Guy, who wrote to Reverend Williams informing him of the ban later in October. The new Minister, Colonel Thomas White, added the book to General Order 890 on 23 January 1933.⁷

Religious organisations quickly wrote in support of the ban. The Federal Council of Churches 'representing all the States of the Commonwealth' expressed their whole-hearted approval. George Judkins, Director of the Social Service Department of the Methodist Church, wrote that *Brave New World's* 'apparent advocacy of promiscuity, its suggestion of sexual games for little children and its contemptuous reference to a "thing called God" brand it as a book unworthy of a place among decent literature and among self respecting people'. The Woman's Christian Temperance Union of Victoria congratulated White on his action, who wrote in reply that 'it is encouraging to know that your organisation stands behind me for a better moral standard in literature'. The Council of Churches in Victoria passed a motion resolving to give the authorities 'all the support possible in keeping out of the Commonwealth, books which are adjudged likely to be hurtful to the moral life of the people'.⁸

Protests appeared too. A Mr Alfred Thodey wrote personally in January

1933 to 'register an emphatic protest' at the ban, repeating one of the novel's jibes by asking: 'Why not be consistent and ban another book which contains a number of most lewd and filthy stories, i.e. the so-called Holy Bible'.⁹ The *Telegraph*, the *Argus* and the *Daily Mail* published opinion pieces criticising the ban in late January. The *Telegraph* noted (as Devanny had) that Huxley's previous novel, *Point Counterpoint*, was much more likely to offend, while the Brisbane *Daily Mail* made the stronger point that since *Brave New World* had been available for ten months already, anyone likely to read it had already done so, and declared the case yet another example of Customs' censorship bungling.

The *Bundaberg Daily Times* editorial criticised the 'ultra-puritanical book censorship' conducted by 'a clerk at Canberra', noting that while cheap editions of some books were banned, costly publications of the same titles were permitted. The Melbourne *Argus* published lengthy pieces addressing the issue by Ernest Scott, history professor at the University of Melbourne, the Catholic humanitarian lawyer Anna Brennan and former Comptroller General of Customs Stephen Mills (1913–22).¹⁰ An exchange of letters for and against *Brave New World* was conducted in the *Telegraph* in February, which also reported a protest from the Workers Educational Association (WEA) against the confiscation of copies from their libraries.¹¹ By the end of February the Minister was expressing surprise at the duration of the controversy.

Copies of the book had to be recovered from across the country. The *Argus* reported that 3000 copies had been imported, but Customs had promised not to seize them, advising booksellers instead to return them to the UK publisher.¹² Copies were nevertheless removed individually from subscriber libraries and bookshops across Perth, from Lending Library importers in Adelaide, and from bookshops like the Book Lovers' Book Shop and Library in Melbourne: this influential bookshop was run by Elsie Belle Champion, sister of suffragist Vida Goldstein and wife of Henry Hyde Champion, publisher of the monthly *Book Lover*. Multiple copies were surrendered by the WEA in Queensland and New South Wales. The Collector of Customs in Tasmania reported that while only four copies had been imported, unfortunately all had been disposed of to the public. Seizures and removals continued until the middle of 1935. The WEA Central Council passed a motion of protest against 'the undue exercise of authority in banning books of an educational character', and wrote as much to Customs.¹³

To Customs' request in February 1933 that the two copies on the Perth Literary Institute shelves be immediately exported back to the publisher, the secretary replied that 'this matter is being placed before our Council at their meeting this month'. The Western Australian Collector then brought Section 52 (c) and Section 229 (b) of the *Customs Act* to the Institute's notice, Section 229 (b) stipulating that prohibited goods are 'forfeited to his Majesty'. In its turn, the Institute requested that the Council be informed as to what section obliged them to export, whether the book was blasphemous, indecent or obscene, when the ban was placed and by whom.

When the Collector, 'in view of the attitude adopted by the Secretary of the Institute', submitted the matter to the Comptroller General, he wrote himself, reminding the Secretary that 'the granting of permission to export is a concession' and threatening to seize the books if this export was not arranged.¹⁴ Meanwhile, the Queensland Collector wrote to the Canberra office that 'the calling up of books which have been imported and circulated, so to speak, in good faith certainly engenders an amount of hostile criticism, much of which would be silenced were the Department to pay for the copies surrendered'. The Comptroller General replied, 'I hardly think we can be called upon to pay for these books which are prohibited imports.' Huxley's book had created no small storm and Customs' recalcitrance did not mitigate it.

Brave New World shackles the transformation of sexual life to scientific and social revolution, a conjecture unexceptional in writing of the 1920s and 1930s. But in Australia literary modernism had a notably different cast from its European and American models, and this may have been exactly because of the effect of strict censorship. From the dystopic, anti-modern secularism of *Brave New World* to the ribald light comedy of Norman Lindsay's *Redheap*, set in the 1870s, the banned literary books of the 1930s were by no means straightforwardly modernist, either.

By the early 1930s, what could be called modern literature had been experimenting with challenging versions of sex and gender relations for some time. Sexual content has figured centrally in the reception and reputation of the now canonical examples of literary modernism, as a key feature of their novelty.¹⁵ As Douglas expostulated in his condemnation of *Brave New World*, books such as James Joyce's *The Dubliners* and *Ulysses*, D. H. Lawrence's *Lady Chatterley's Lover*, as well as Hall's *The Well of Loneliness*, Djuna Barnes' *Nightwood*, and other art and literature of the 1920s and 1930s had been

condemned as obscene in the UK and US, banned or prosecuted. *My Life and Loves*, the memoirs of the notorious Frank Harris, friend of Oscar Wilde and Bernard Shaw, editor and womaniser, also cited by Douglas, scandalised Europe after its publication in France in 1922, was banned in Australia in 1925 and remained an underground publication for most of the twentieth century.

In secret and often without qualm in this period, Australia banned some of the most respected books and writers in the world: Colette's *The Gentle Libertine*, American John O'Hara's lauded first novel *Appointment in Samara*, Alfred Doblin's *Alexanderplatz*, and English writer Richard Aldington's humanitarian, anti-war novel *All Men Are Enemies*, among others.¹⁶ *Down and Out in Paris and London* was banned in 1933 and even Daniel Defoe's *Moll Flanders* from 1722, one of the earliest English novels, was on the banned list by January 1930. When the Book Censorship Board recommended release in 1933, it was overruled, Customs fearing that release would 'open the way for requests for a review of other books at present on the prohibited list'.¹⁷

A quarantined culture

The rejection of modern culture has appeared as a defining feature of the interwar period in Australia, seen as refusing highbrow, metropolitan modernism as an obscene and foreign impulse in an expression of cultural cringe.¹⁸ This conception of the 1920s and 1930s presages censorship as a crucial arm of Australia's cultural 'quarantine', the metaphor certainly apt in its description of Customs' remit. In 1935, a pro-censorship deputation to Thomas White as Minister for Customs called on him to use censorship as a 'sanitary system' or as a 'quarantine to prevent plagues'.¹⁹ Coleman's suggestion that modern literary censorship began with Joyce's *Ulysses* in 1929 and was coterminous with modernism has led to misconceptions, however, and recent cultural histories have refuted the notion of an absolute quarantine.²⁰ The more popular and successful products of the modern culture industries certainly circulated around the globe: film entrepreneurs brought their versions of modernity into Australia on a large scale, for example, even as film censorship was rigorous and systematic.²¹ Films could be cut by the censors and still let into the country, unlike literature or art, as Garran noted when banning Harcourt's *Upsurge*, while offensive books, art, prints, dance, theatre and music could reach narrower audiences at least in some instances. Censorship distinguished carefully between kinds of readers

and audiences, producing hierarchies of reception in which a merit defence separated the obscene modern from the obscene popular, although some forms of modernism refused such a divide and some forms of censorship refused such a defence.

The dramatic and unusual seizure by Customs of 50 art prints in late 1937 seems a striking example of the practice of quarantine, taking the question of obscenity far beyond the publications regime. Garran's decision in this case emphasises the dangerous demotic rather than avant-gardist appeal of modern art, but demonstrates any quarantine working selectively, actively preserving access for elites. The Leonardo Art Shop in Little Collins Street in Melbourne was a haven for lovers of modern art and literature. Its Italian-born owner Gino Nibbi imported books and prints from Europe and was 'evangelical' in promoting writers such as Rimbaud and Rilke. The critic Geoffrey Dutton recalled the bookshop's important role: 'On the walls of the shop, battling for space with the books, were prints of Modigliani, Matisse, Breughel, Piero della Francesca, Chagall, Cézanne, and postcards which we bought by the dozen.'²²

One of those postcard prints was of Modigliani's *Lying Nude*, of which Customs seized a consignment in 1937. The painting is one of the artist's many of that title, and features a reclining woman sketched in long elegant lines, her almond-shaped head in similar curves to her thighs. As in many of Modigliani's nudes, pubic hair is a central feature. Customs declared the confiscated postcard obscene because of the cheap nature of the print, differentiating the audience from those likely to view its reproduction in a book. After passing a resolution condemning the department's action, the Victorian Artists Society wrote to White in protest: 'The Council wishes to stress their opinion that the print contains no hint of obscenity nor can it be styled prurient in any way . . . Modigliani is renowned throughout the world as a consummate artist in painting of the nude.'²³ Edwin Abbott as Comptroller General referred the Society's letter to Garran in early December 1937, expanding Garran's role as Appeal Censor for publications. Garran obliged with a carefully drawn distinction between the 'picture itself' and its mass reproduction:

It is not suggested that there is any obscenity in the picture itself; but the Department takes into consideration the nature of the reproduction and the manner and circumstances under which it is likely to be

exhibited and sold . . . In this case the Department takes the view that a crude reproduction, at picture-postcard price, would be saleable for the most part not for any artistic merit but for a conspicuous feature not usually so obtruded in paintings in this country.²⁴

From the Hicklin definition's emphasis on obscenity's 'tendency to deprave and corrupt', the availability of the postcard was its moral danger, while the 'conspicuous feature' was what Garran deemed to be the source of such. Pubic hair placed the picture outside the norm of images circulating in Australia and on a very affordable postcard meant it would be sold as pornography.

Garran did not and could not ban the painting itself. Instead his ruling on the postcard enforced distinctions between elite and popular audiences for modernism, and quarantined *Lying Nude's* pubic hair only from those deemed likely to confuse its pornographic and artistic merit. A similar painting, Modigliani's *Female Nude* from 1916, was exhibited in the influential modernist Herald Exhibition of French and British Contemporary Art in 1939, then dismissed by the critic J. S. MacDonald as the work of 'degenerates and perverts'. A photograph published in the newspapers of the crowds who came to view *Female Nude* used a lady visitor's fashionably tilted hat to coyly obscure that work's obtruded 'conspicuous feature' from their general readerships.²⁵ Garran's erasure was more definitive, but similarly directed.

In his reply to the June 1930 deputation of authors and journalists protesting literary censorship, Labor Customs Minister Francis Forde voiced the Australian censor's characteristic reception of 'modern books'. He rated the offensive titles from 'filthy' to 'borderline', conjuring a spectrum of obscenity that connected the hard core to the avant-garde:

Some books banned were filthy beyond description, and could be banned offhand as beyond argument, and of these the general public knew nothing, and the decent portion of the public would not wish to know . . . From this stage upwards there was a range of indecency up to what might be called the borderline, and it is in regard to books of this character that the controversy rages.²⁶

His successor White was even more suspicious, and in his 1935 speech to Parliament charged modern authors with using 'fine writing' only to disguise their real aims as pornographers.²⁷

Forde and White were witness to what has been called modernism's 'literary intensification of the erotic and perverse'.²⁸ In the 1920s and early 1930s, the literary novel began to proffer the explicit representation of sex as an essential part of the full realisation of subjectivity, or character and experience. A New York magistrate extrapolated when banning Dial Press's *The First Lady Chatterley* in 1944: 'the author's central theme is that it is dangerous to the physical and mental health of a young woman to remain chaste'.²⁹ Hunter, Saunders and Williamson argue this shift in the relation between obscenity and pornography is definitive: 'The distinction between pornography and serious literature observed by the law was no longer respected by a hybrid form of the novel which had become both literary and pornographic'.³⁰

Modernist obscenity as such, however, remains ill defined.³¹ The history of literary censorship shows that 'high' modernism's interest in sexuality was much more than a merely formal aesthetic experiment, and did not differ in absolute ways from other forms of obscenity. Its congruity not only with pornography but with the interests of feminist women writers, and homosexual men and women, was exposed by the censors, as was its proximity to radical socialist and pacifist writing interested in working-class worlds. D. H. Lawrence's feminism and socialism and Joyce's own excitable sexual practices were not lonely stances, produced (or performed) in isolation. Moreover, they were far from alone in being prohibited in Australia. Norman Lindsay's *Redheap* joined *The Butcher Shop* as a local novel banned as obscene in 1930, despite Lindsay's earlier condemnation of the frank sexuality in Joyce's *Ulysses* and his repudiation of the larger aims of modernism.

Lady Chatterley's Lover

A parcel of books for W. A. Webb, the Commissioner of South Australian Railways, was confiscated by Customs at Port Adelaide in September 1929. In it was a pair of notorious books: Radclyffe Hall's *The Well of Loneliness* and D. H. Lawrence's *Lady Chatterley's Lover*, Australian Customs' first recorded sighting of what was to become the world's most famous banned book.³² *Lady Chatterley's Lover* was placed on General Order 890 on 7 November 1929, in the same entry as Devanny's *The Butcher Shop*, *The Diary of a Masseuse* by 'La Vrille', Joseph Lewis' *The Bible Unmasked* (banned for blasphemy) and Félicien Champsau's novelistic expansion of his 1888 French pantomime *Lulu*. The ban on Lawrence's book was part of a spate of bannings in 1929

and 1930 of 'modern' novels by established authors with strong claims to literary merit, who deliberately pushed the boundaries of the representation of sex: Lawrence, Joyce, Radclyffe Hall and others. The boundaries, of course as Forde made clear, were determined by the censors.

Lawrence delivered his now famous line that 'what is pornography to one man is the laughter of genius to another' in his 1929 essay 'Pornography and Obscenity'. *Lady Chatterley's Lover* was published in Florence in late 1928. After Maria Huxley, Aldous Huxley's wife, finished typing the manuscript, it 'went straight onto the [UK] Customs secret banned list without any reference to the courts'.³³ Lawrence was unrepentant about his novel:

They say I wrote a naughty book
With perfectly awful things in it,
putting in all the impossible words
like b___ and f___ and sh___. ('A Naughty Book')

In the same months, a typescript of *Pansies*, a collection of Lawrence's poetry, was intercepted in post sent from Italy to his London publisher. Home Secretary Joynson-Hicks condemned it in Parliament; the publisher capitulated. In Australia in February 1929, newspaper reports of *Pansies*' treatment broke the news of the UK ban on *Lady Chatterley's Lover*.³⁴

Another 500 London copies of the unexpurgated edition of *Pansies* were published by bookseller Charles Lahr and Inky Stephensen, however, who declared, glossing the Hicklin ruling:

In the event of any action being taken, which I do not consider likely, it would have to be proved that the book was likely to fall into the hands of people who were liable to be morally influenced by it. It has not been published; merely, as I say, printed in a strictly limited edition.³⁵

Stephensen's Mandrake Press also published reproductions of some of Lawrence's paintings in 1929 (which, like Modigliani's, included visible pubic hair); the edition was seized at their exhibition and Lawrence endured a damaging court trial. Stephensen released Lawrence's essay 'A Propos of Lady Chatterley's Lover' in 1930, but his most daring production was a secret, London edition of the novel itself. Its 500 copies were printed with

difficulty under a false imprint and few circulated. Although authorised by Lawrence, this little-known third edition was released three months after his untimely death in March 1930.³⁶

Lawrence's visit to Australia in 1922 might be expected to have generated fears about his earlier book *The Rainbow* from 1915, which had been successfully prosecuted in the UK.³⁷ There are no Customs records to establish its treatment in Australia, but the *War Precautions Act*, reliance on British precedents and imports, and the limited availability of editions make it likely that copies were rare. Still, in a letter to West Australian writer Katharine Susannah Prichard, Lawrence reported seeing a copy in the Perth Literary Institute in May 1922.³⁸ The *West Australian* later presumed a ban, complaining in 1935 that '*Lady Chatterley's Lover*, which reverences sexual relationships, and *The Rainbow* are considered unfit to have a place on library shelves in Australia.'³⁹

Banned by Customs with no reporting and no reference to expert advice, *Lady Chatterley's Lover* remained prohibited until 1965 and the long history of the ban's policing is still vivid. Webb's copy disappeared soon after it was confiscated. First held in the safe at the Port Adelaide Customs House, by October 1929 the copy was lost somewhere between there and the Comptroller-General's office in Canberra. The first expurgated edition was released by Martin Secker in London in 1932 and Customs officials were unable to compare it to the original, relying instead on reports from the London press.⁴⁰ The Customs file on *Lady Chatterley's Lover* bulges with requests from importers for assessments of different editions, including the 1932 French translation, the abridged William Heinemann edition of 1935, Dial Press's *The First Lady Chatterley* (banned in New York in 1944, abridged by Penguin in New York and then printed in Australia in 1947), English editions printed in Japan and Sweden in the 1950s, as well as anonymous pornographic spin-offs (*Lady Chatterley's Husbands* and *Lady Chatterley's Friends* from William Faro in New York).⁴¹ The Literature Censorship Board approved abridged editions in 1947 and 1950, while still unable to compare either to the original. Customs approved seven abridged editions in total, the last in 1958.

Ulysses and Dubliners

James Joyce's new novel *Ulysses* received enough publicity in Australia in 1922 to catch Lawrence's attention while he was in the country, but it was

not available to read. 'I shall be able to read this famous *Ulysses* when I get to America', he wrote to S.S. Koteliensky from Thirroul, near Wollongong. 'I doubt [i.e. I suspect] he's a trickster.' Lawrence was writing his Australian novel *Kangaroo* at the time and compared it to *Ulysses*: 'but such a novel! Even the Ulysseans will spit at it'. The novelist was finally able to borrow a copy of *Ulysses* in New Mexico in November 1922. Lawrence sent it back eight days later with the comment:

I am sorry, but I am one of the people who can't read *Ulysses*. Only bits. But I am glad I have seen the book, since in Europe they usually mention us together – James Joyce and D. H. Lawrence – and I feel I ought to know in what company I creep to immortality. I guess Joyce would look as much askance on me as I on him.⁴²

But *Ulysses* was only formally banned in Australia on 3 May 1929, the Minister approving a submission from the Comptroller General that 'the work was clearly indecent'.⁴³ Customs' first sighting of the book was in Adelaide. An intercepted copy was sent to Canberra from the South Australian office in March 1929, seven years after publication. First released in Paris in 1922, extracts from *Ulysses* had been published in the US magazine the *Little Review* in March 1918 and were the subject of an obscenity trial in the US in February 1921, instigated by the New York Society for the Prevention of Vice. Margaret Anderson and Jane Heap, editors of the *Little Review*, were both fined \$50 each and the novel was banned from the US.⁴⁴

Ulysses was banned in the United Kingdom in 1922. The second edition went on sale in Paris for £2, but imported copies were £40 in London by then, on the strength of reviews describing it as an 'explosion' or a 'bomb' 'in the well-guarded, well-built, classical prison of English literature'. 'All that is unmentionable, according to civilised standards, has been brought to the light of day without any veil of decency'.⁴⁵ *Ulysses* redefined American obscenity law when it was cleared by the US Supreme Court in 1933. A breakthrough decision by the Honorable John M. Woolsey articulated the principles on which a defence of literary merit could be mounted, emphasising the need to regard a book as a whole work of art.⁴⁶ *Ulysses* is perhaps the most influential instance of high art breaching the boundaries of pornography, redefining both.

In his history of literary obscenity in Britain, Alan Travis suggests

that the British Post Office ensured that the UK ban on the book from 1922 to 1936 'was enforced throughout the British Empire'.⁴⁷ Australian reliance on British statutes and the publishing trade monopoly allowed British Post Office and Customs bans to also restrict Australian imports, without prosecutions or trials in either country, suggesting that *Ulysses* could not grace Australian shelves between 1922 and 1929. The *Sydney Morning Herald* assumed the same in 1930.⁴⁸ US and UK seizures of the print runs also restricted circulation significantly – New York postal officials seized 500 of the 2000 printed for the 1922 London edition and British Customs, all but one of the 1923 edition. Shakespeare and Company in Paris produced the first substantial print run in 1924, but the first large edition by a British publisher was not released until 1937.⁴⁹ Lawrence perhaps relied on press coverage of the British and US bannings to conclude that he could not obtain it while he was here in 1922, but it was likely that it was unavailable in any quantity in Australia until after 1937.

Joyce's novel was well-enough known in Australia by 1923 to be satirised in *Home* magazine and attacked in the Lindsay-circle journal *Vision*, however. Only fourteen months after it first appeared, Norman Lindsay blasted *Ulysses* as 'not a book at all, but a slovenly mass of mental matter petrified in type matter'. In the first issue of the short-lived *Vision*, *Ulysses*' use of 'indecent language' was decried rather than welcomed by the already notorious Lindsay. 'The poet . . . can have no dealings in the slum exchanges of the people,' he declared. 'The effect of this gabble of vulgar sex synonyms, scattered indiscriminately through a mass of dull type matter, is to bespatter the freed image of sex in poetry'.⁵⁰ It seems that Lindsay *had* read Joyce's book, and a snippet from it was included by the editors in a page of quotations from lambasted modernist writers, such as E. E. Cummings and Edith Sitwell, annotated: 'thin, thin, thin, thin, so horrid blooming'.⁵¹ If the editors had managed to procure a copy, no mention was made of any ban.

In January 1929, three months before the Australian ban was formally implemented, literary critic Nettie Palmer protested at a prohibition she presumed to already be in place. In her weekly column for the Launceston-based *Illustrated Tasmanian Mail*, she reported the recent UK banning of Radclyffe Hall's *The Well of Loneliness*, but also described *Ulysses*, which:

contains the most remarkable literary experimentation in English, and no student of writing as a sheer craft could fail to be impressed by his

skill . . . Yet it is such a book, and not the luscious raptures of some illiterate, that is chosen for banning from the few students who might wish to use its plentiful powers of idiom and wit.⁵²

Damning the 'clumsy, inconsistent, unenlightened working of the censorship in London, Boston or Sydney', she sighed 'but it goes on'. Conflating the decisions and powers of the regimes, Palmer assumed a ban on *Ulysses* in Australia because of the long-standing UK prohibition, but it is interesting to speculate that perhaps Customs only set out to look for a copy to ban after her piece appeared.

Palmer somehow could access a copy in coastal Caloundra, north of Brisbane, where the Palmers lived from 1925 to 1929, while John Anderson, Challis Professor of Philosophy at the University of Sydney, seems also to have been able to find one. Anderson was outspoken in his opposition to the Bruce government's political censorship, and in an address to the Sydney English Association defended *Ulysses* as a complex work of art. Published in September 1930 as *Offprint No 3*. of the Association, the article traced Joyce's classical references and the influence of writers from Nietzsche to Ibsen, Shakespeare to Dostoevsky, with quotations from the banned book, including Molly Bloom's long soliloquy in the final section. Anderson's essay was censored; his quoted extracts unable to be included.⁵³ In the development of his free-thought philosophy, Anderson wrote on censorship throughout the 1930s and into the 1940s, including essays on Shaw, Wells, Joyce, art and morals, freedom of speech, political censorship and academic freedom.⁵⁴ His work was an influential challenge to federal and state censorship and, later, wartime restrictions on all forms of communications.

The banning of Joyce's *Dubliners* gained much more Australian press, connected with the establishment of the Book Censorship Board in 1933. On 9 August 1933, the *Argus* reported the first books had been submitted to the new Board. On 14 August, the *Daily Telegraph* published a leaked scoop from a 'Special Representative' declaring Joyce's *Dubliners* one of the first three books examined. In fact, it had been released by the Board on 1 August, since Customs had banned it well before, in late 1929, without the knowledge of the press or the public. *Dubliners* was added to General Order 890 on 23 December 1929, after a recommendation from Brossois in the investigation section. His report saved most of its condemnation for Basil Tozer's *The Story of a Terrible Life*, an erotic defence of prostitution and the

white slave trade, banned at the same time, but had pointed things to say about Joyce's book.

Relying on Herbert S. Gorman's 1926 study *James Joyce*, Brossois detailed the publication history of *Dubliners*, describing requests from London and Dublin publishers that Joyce omit the story 'Ivy Day in the Committee Room' as being offensive to the late King Edward VII, as well as omit as obscene 'An Encounter' and passages from 'Two Gallants', 'The Boarding House' and 'A Painful Case'. Joyce refused and the collection was published in its entirety by Grant Richards in 1914. It was not prosecuted in the UK. Brossois nevertheless recommended banning on the basis of these passages, which he quoted in his report. From 'Two Gallants': 'She told me she used to go with a dairyman. It was fine, man . . . I was afraid she'd get in the family way. But she's up to the dodge.' Without noting that *Dubliners* had been circulating freely for fifteen years, or mentioning Joyce's reputation as a literary figure or indeed his authorship of the notorious *Ulysses*, Brossois occasioned the banning by reference to this difficult publishing history alone.⁵⁵

Criticising the ban four years later, a Special Representative of Sydney's *Daily Telegraph* declared 'the book would not possess the appeal even of *Portrait of the Artist as a Young Man* by the same writer – a book whose revelatory passages on Joyce's adolescence would appear to invite prohibition much more than *Dubliners*'. The reporter described having seen the actual copy on which the decision had been based, which was 'imported by a W. E. A. student,' and which, like Customs' seized copy of *Lady Chatterley's Lover*, had somehow been lost from the censor's library: '*Dubliners*, with its marked passages, is a highly interesting reflex of the way the official mind worked'. Tracing these passages, the *Daily Telegraph* concluded that though intimate, the offensive sketches were revealing only of inoffensive subjects. 'Customs officials themselves do not know why the book was banned.'

This article was in turn clipped by Customs and included in the file on *Dubliners*, with the report about the marked passages itself marked, as a rebuke to the 'Customs officials' who had clearly been in contact with the Special Representative.⁵⁶ As an indication of public interest in censorship in the early 1930s, this piece of inexact investigative reporting also demonstrates dissent within Customs itself, as the Board took over the assessment of books from Brossois and the investigation section.

Dubliners was released in 1933 but Customs maintained bans on *Ulysses*, *Brave New World* and *Farewell to Arms* until March 1937, when these three

were released by Garran as Appeal Censor.⁵⁷ At the direction of Minister Thomas White, Garran was interviewed on the subject of censorship, and his opinion was that the three titles ‘were not written with any dishonest purpose and were of a class in respect of which it would be reasonable to allow the public to have access’. The Minister confirmed this by telephone and on 18 March 1937 the Collectors were informed – also ‘that it was not desired that the removal of the books from the list be given any publicity’.⁵⁸

Then, in an extraordinary episode of conflicting standards, evidencing the disproportionate influence of the churches in censorship, *Ulysses* was banned again. In the middle of 1941, the president of the Catholic Evidence Guild of NSW wrote to the Comptroller General, declaring the book ‘most blasphemous, indecent and obscene, almost from cover to cover. In fact, it is the most objectionable publication to come under the notice of my Guild’.⁵⁹ Senior Customs Clerk T. A. Fisk obtained a copy from the Sydney office and reported his agreement to the Comptroller General: ‘So far as I am aware few books at present on the banned list contain matter of such an objectionable nature.’ His précis is an admirable piece of Joycean summation: ‘Briefly, the subject of the book is the portrayal in intimate detail of the actions and thoughts of certain persons in Dublin on a particular day of June, 1904.’

First canvassing the report on *Ulysses* from Alec Craig’s 1937 *Banned Books of England*, Fisk noted the book’s strong claims to literary merit, but carefully marked out the many offensive passages – careful reading being no easy feat with *Ulysses*, of course. Fisk declared that these passages included ‘much matter of a most objectionable, and at times, disgusting nature’.

Fisk also reported incorrectly that *Ulysses* was banned in the UK and Canada – it had been released in the UK in late 1936 and a new edition published in 1937.⁶⁰ In the middle of the war, with fewer imported books finding space on ships and worldwide paper shortages, Acting Assistant Comptroller General A. H. Wilson also emphasised the non-existent British ban in his advice and ventured the opinion that ‘the book reeks with indecency, obscenity and blasphemy and should be prohibited’. He noted nevertheless it had been released by Garran, who was then still the Appeal Censor, and that it had been circulating for four years. Without referring it to the Literature Censorship Board, which had only 22 books referred to it in 1941 and banned only three, E. J. Harrison, Minister for Customs, placed it on restricted circulation on 16 September 1941.⁶¹ Harrison declared that:

'The book affects the highest principles of civilisation, and holds up to ridicule the Creator and the Church . . . It cannot be tolerated in Australia any longer.'

The press were galvanised, reporting the Minister's opinion under headlines blaring of the 'Rush for Banned Book'. Bookshops and libraries across Sydney reported greatly increased demand for a book few of them stocked, it having proved too expensive and too difficult for substantial sales. Sydney's Bookstall Library withdrew the book from circulation. Miss J. Marlow, the librarian, was quoted, 'Although Mr Harrison has said that it can now be read by genuine students, I would require some more specific definitions before letting the book out.' Harrison defended his decision repeatedly, emphasising the book's obscenity and its offence to Christianity, while the press asked about his role in a possible cabinet in the collapsing Country Party Fadden government, 'at a time when Australia is engaged in a war against the philosophy of repression'.

Reports also asked whether the Minister overruling the Literature Censorship Board meant the Board would be scrapped. 'Dr Allen and Dr Binns last night refused to comment on the position', noted the *Sydney Morning Herald*.⁶² In defence, Harrison too cited the Canadian ban and the non-existent British ban, and asked his critics 'if they would be prepared to allow the book free entry to their homes, to be read indiscriminately by their womenfolk and adolescent children'.⁶³

The Sydney Anglican Synod passed a motion approving the ban. The Gosford Synod, however, opposed it, Bishop Stevenson declaring that 'this Government censorship differed very little from that which in other countries banned Jewish music and scientific work because they were the work of Jews'.⁶⁴ The University of Sydney English Department held a public meeting about the banning and then set the study of Joyce as one of the subjects for the graduate Beauchamp Prize for 1942. The Sydney Synod expressed their regret at this, while the press reported that Sir Mungo MacCallum, former Head of the Department, considered it a disgrace.⁶⁵ *Ulysses*' defender Professor Anderson, however, condemned the Customs ban as a 'great mistake': 'I regard the book as the most important work in English that has appeared in the present century'.⁶⁶

The new restriction aroused more interest in *Ulysses* than there had been since its first publication or, in Australia, even more than then.⁶⁷ In response to its re-banning, the Fellowship of Australian Writers passed a

motion calling for the list of prohibited books to be made public, which Customs did not and would not do until 1958.

John Curtin, leader of the federal Labor opposition, was invited to form government in October 1941. Richard Keane was appointed new Minister for Customs and the departing Harrison immediately forwarded a file of correspondence about *Ulysses*: 'I can assure you my fan mail in this regard is of some dimension'. Debate and protest in the press continued, occasioning Keane to express amazement to Harrison that the book should so concern Australians while the war continued.⁶⁸ Harrison's file included 26 letters, most from ministers of different Christian denominations. But a significant proportion of them had been sent in response to extracts initially sent by Harrison himself, looking for condemnation of Joyce's book from senior figures. Keane maintained the restriction.

After a request to import from a Canberra bookseller again revealed much confusion about its restricted status and availability, on 6 October 1953 *Ulysses* was quietly released.⁶⁹

Redheap

Norman Lindsay's novel *Redheap* is often cast as the first Australian novel to be banned by Customs, if Devanny's *The Butcher Shop* is considered a New Zealand book. It was banned in 1930 in a storm of controversy because of complaints in federal parliament from Richard Keane (eleven years before his elevation as Customs Minister) in whose electorate the fictional town of Redheap appeared to lie.⁷⁰

Lindsay grew up in Creswick, in Northern Victoria, and *Redheap* is a thinly veiled, satiric portrait of that community. Published by Faber & Faber in London, after being rejected (reputedly physically thrown at Lindsay) by George Robertson of Angus & Robertson, it was declared a prohibited import and its entry into Australia denied in June 1930.⁷¹

Lindsay was already well known by then, if not notorious, while his contributions to Sydney bohemia through the 1920s remain legend. Lindsay's then most famous work now remains his best loved – the rhyming children's poem *The Magic Pudding* from 1918 with his own comic illustrations. His large body of work as an artist, known for his pen drawings, watercolours and etchings, had long featured erotically posed, fleshy young women in partial undress, inspired by Rabelais and the erotic Greeks and Romans. Early modern erotica was also favoured in the early years of his work – he

exhibited illustrations from Giovanni Boccaccio to praise in Melbourne in 1900 and attempted to interest English publishers in a large-scale illustration of *The Memoirs of Casanova* in 1910, rejected as too obscene.⁷²

Lindsay's writings on art and culture in Australia, particularly in *Creative Effort* (1920), argued for the autonomy of art from society, even from time and space. 'A sort of Neoplatonism cast in the focus of all that was most lost and exasperated in Nietzsche', was how Jack Lindsay described his father's ideas.⁷³ Norman had a close and determining influence on a coterie of significant writers and artists from the period, including the poets Kenneth Slessor and Robert D. Fitzgerald, as well as Jack, two of whose poems caused the University of Queensland student newspaper to be censored in 1921.⁷⁴

Jack Lindsay arrived in England in 1926, bringing with him the publisher John Kirtley and the Fanfrolico Press (suggested by Rabelais' *fanfreluche*), as well as a package of Lindsay's drawings for the press's first publication.⁷⁵ Fanfrolico released a sumptuous edition of Jack's translation of *Lysistrata* with Lindsay's illustrations, competing with Aubrey Beardsley's obscene art nouveau version, to some success. In London, Jack met up with his friend Inky Stephensen, who was then still a Rhodes scholar at Oxford and soon took over the press. It specialised in beautiful and expensive subscriber editions of classical translations, an anti-modern Bloomsbury experiment supported by Lindsay's money. Fanfrolico also published *The Complete Works of Gaius Petronius*, including the *Satyricon*, again translated by Jack and illustrated by Lindsay. The New York Rarity Press edition, with the same translation and illustrations, was declared a prohibited import by Australian Customs on 19 May 1933.⁷⁶

Composed in 1918 and set in the 1870s, Lindsay's *Redheap* is written from the point of view of a sulky, sexually curious young man on the cusp of adult life. Lindsay contrasts a stultifying, middle-class family home life, including daffy, sexually frustrated sisters and their stitched-up suitors, with his nineteen-year-old hero's adventurous life-about-town seducing working-class girls, one of whom falls pregnant. The novel details her desperate attempt to terminate the pregnancy with over-the-counter abortifacients, and she takes a trip to Melbourne to see her Aunt Millie, a trained nurse who 'doesn't run that big house in St Kilda on a nursing salary'. All of this is treated as a ribald episode in the amours of young Robert.⁷⁷ *Redheap* was called sordid and 'unpleasant' by Australian newspapers, including

the *Sydney Morning Herald* and the *Adelaide Mail*.⁷⁸ Although the *Sun* was prepared to declare it literary enough, the reviewer identified Creswick easily and predicted that the novel's treatment of the 'sex issue' would entail stiff controversy.⁷⁹

Lindsay's brother Lionel, initially offended by the central character of Robert Piper, since the novel was based on his own diaries, later defended *Redheap* against the ban. He argued that the obscenity was mild – that it was only offensive because of political pressure from Creswick and because Lindsay's reputation 'had been allied with sex in the public mind' for so long.⁸⁰ The representation of birth control and abortion remained a controversial issue through this period, however, and not only for Customs. *Redheap*'s light-hearted treatment (with little sympathy for the young woman) is not 'innocence itself when compared with other novels of the period', as Lionel suggested. Few books were including abortion with impunity in Australia, except when it was condemned or rendered tragically.⁸¹ Nevertheless, the banning was not duplicated anywhere else in the world.

Customs Minister Forde admitted 'there was the greatest reluctance to ban an Australian book unless such a course was necessary', and he had taken advice from 'three responsible officers of the Trade and Customs Department who read the book and whose duty it was to make a recommendation to the minister', as well as from the Solicitor General, and had read the book himself. It had to be prohibited.⁸²

The first of the three responsible officers to read it was Charles Brossois, as Investigations Officer in the NSW Branch. His report of April 1930 was characteristically stern. Summarising the exploits of Robert Piper and the plot, Brossois objected to more than the illegitimate pregnancy and abortion:

He next seduces the parson's daughter and finds the task very easy indeed . . . In the meantime the boy's youngest sister is indulging in a love affair with a married man who commits arson as a part of his plan to elope with the girl . . . The advice of a broken-down drunken teacher to the boy relating to sex matters in general is indicated on pages 80/1, 234/8. Further passages on pages 46, 97, 301/4 and 308 will be found relating to sexual intercourse.

Brossois concluded that *Redheap* was indecent in terms of Section 52(c) and should be prohibited.⁸³

W. H. Barkley the NSW Collector endorsed the report and forwarded both it and the book to Ernest Hall, the Comptroller General. Hall in turn wrote to Forde, recommending the book be placed on the prohibited list, listing nine passages as 'frankly indecent' and forwarding Customs' copy with the passages marked for attention. Forde, who was under pressure from Victorian state parliamentarians if not yet from Keane, took the then unusual step of directing Hall to forward the book in turn to the Solicitor General for advice.⁸⁴ On forwarding it, however, the Customs officer recommended release, identifying it as no more offensive than Remarque's *All Quiet On the Western Front*, released in January 1930 but banned in NSW, or Lion Feuchtwanger's novelistic condemnation of anti-Semitism, *Jew Suss*, then becoming a worldwide success in English.⁸⁵

As Solicitor General, Garran furnished a legal opinion on *Redbeap* to the Comptroller General on 5 May 1930. This was the beginning of his active advice to Customs on obscenity law and the censorship powers of the *Customs Act*, and is the first report from him in the style that characterises his long tenure as book censor. For that reason, perhaps, it begins with a meditation on the indefinite nature of obscenity and the *Hicklin* legal test:

The boundary line between what is indecent and what is not is very difficult to draw, and depends not only upon the nature of a work but upon the nature of the publicity given to it. What might be perfectly decent in a medical work might be grossly indecent in a newspaper. The test – not always easy to apply – is the tendency to corrupt and deprave those before whom it is likely to come.

Garran then assessed the book's intentions and effect ('unpleasant') and refused the artistic merit argument – one that would continue to be mounted by Lindsay – that art is above petty morality:

The book purports to be a portrait, and is a very unpleasant one, of life in a country town in Australia and of the sexual characteristics and adventures of the townspeople. There is nothing necessarily indecent in the subject; but obviously it may lend itself to indecency of treatment. Considerable latitude must be allowed to authors in their presentation of such a subject. It is sometimes said that art is not concerned with morals; but when an artist (literary or other) exhibits

his work to the public, he is not exempt from the law, which does concern itself with morals.

In what was Garran's longest disquisition on the relationship between law and literary merit, he weighted the law's concern with morals against a claim that art might have some special province in which it could escape moral proscriptions. Garran argued, as have many legal judgments after him, that any permissible degree of indecency was determined by moral absolutes enshrined in law and not by the demands or shape of the artwork.

Garran had not been consulted for a legal opinion on the obscenity of *The Butcher Shop*, *Lady Chatterley's Lover*, *The Well of Loneliness*, *Ulysses*, or *Farewell to Arms* or on any of the other books banned directly by Customs or the Minister in the late 1920s. He did not refrain from offering an opinion, nevertheless, that if *Redbeap* were obscene, then other books that had been released by Customs needed also to be defined as such: 'It may be that, if this book is prohibited, consistency would suggest the prohibition of other works which have not been so dealt with. The matter is therefore one of policy as well as of the strict interpretation of the law.'⁸⁶ Far from offering a liberalising expert opinion to temper Customs' narrow-mindedness, Garran began his contribution to federal censorship by advocating even stricter restriction of literary works.

As the first Australian book banned, *Redbeap's* treatment prompted extensive press reports, with sustained protest in the *Daily Guardian*, *Smith's Weekly* and the *Bulletin*, including Cecil Mann's 'Australia Remains a Joke' Red Page discussion.⁸⁷ In London members of the Fanfrolico group protested, including the young Brian Penton, who had orchestrated the book's publication there.⁸⁸ In *Stead's Review*, however, Frederick Howard dissented, condemning as 'mutual admirationists' those 'at present yelping against the censorship', who were 'championing lavatory scribblers whose knowledge of life appears to have been derived from precocious peeps from the nursery'. He dismissed Lindsay's novel as adolescent and without craft, and with it the 'unfettered, fearless moderns' from the 'age of candour': '*Redbeap* is not a daring novel, nor an immoral one. It concerns itself with bumpkins ringing firebells and furtively gauging the bust measurements of servant girls . . . The author intrudes himself at every turn, like a spoilt child, and he has nothing important to say.' Rather than calling for a more intellectually qualified censorship, as Mann had, Howard asked, 'has any

intellectual proved that books banned by the official censor call for more than official intelligence?⁸⁹

The *Daily Guardian* announced plans to serialise the novel, which would avoid Customs' ban, so that the public could judge for themselves.⁹⁰ This was quickly stymied by a letter from the Deputy Postmaster-General. Facing a threat under the *Post and Telegraph Act* to have the registration of any newspaper 'containing matter which had been held to be indecent or obscene' refused and the possible seizure of its printing plant, the *Daily Guardian* capitulated.⁹¹

Redheap was published in the US as *Every Mother's Son* to mixed success and the Lindsays repaired there in disgust soon after the Australian ban. *Every Mother's Son* was added to the list of goods prohibited for importation into Australia on 16 February 1931.⁹² Lindsay would sustain a critique of Australia's censorship for the rest of his life: 'The average decent Australian is a slug and a moral coward whenever the noisy minority starts making a fuss over any frank statement of life and love'.⁹³ In *Smith's Weekly* he directed his attack at Garran himself: 'One doesn't expect a decent liberal understanding of life from an ancient with a Garran-shaped mouth'.⁹⁴

For the remainder of the 1930s any new title written or illustrated by Norman Lindsay was inspected by Customs or the Board as a matter of course. In 1932, Brossois declared Lindsay's next book, *Mr Greshum and Olympus*, this time published in the US, obscene as well. He noted particularly its 'typical fulminations against morality, censors, moron officials generally, wowsers'. Hall as Comptroller General disagreed with Brossois and allowed it entry.⁹⁵ *Pan in the Parlour*, another novel about sexual hijinks in a country town, was passed in 1933 but *The Cautious Amorist* was banned, as it was in the UK, this time directly by Customs with no expert assessment on 15 May.⁹⁶ It is set on a desert island where a beautiful young woman is happily seduced by three men. In 1938, 67 postcards advertising that novel with reply-paid order forms from T. Werner Laurie in London were intercepted by Customs and declared 'in themselves prohibited imports'.⁹⁷

A fifth title, *The Age of Consent* (later made into a film starring a young Helen Mirren), was reviewed by the LCB and passed in February 1939. *The Cautious Amorist* was released in October 1953, permitting a Canadian edition from Harlequin Books, but *Redheap* had to wait 28 years, until the first review of the whole banned list in 1958.⁹⁸

Australia remains a joke

Mann's Redpage in the *Bulletin* was decrying the lack of protest at the censorship of literature in May 1930, the day before *Redheap*'s banning was reported by the *Sydney Morning Herald*.⁹⁹ Recent raids by NSW police on Sydney bookshops were Mann's concern: 'The whole Sydney press acquiesces. No University voice breathes an interest in the future of Australian literature, damned if this cramping of freedom of thought goes on. The Women Writers, for once, decline to talk.'¹⁰⁰

NSW Police raided Lew Parkes' Rare Book Company in Sydney's Martin Place on 15 January 1930, after receiving two complaints about the shop's window display and a circular advertising 'nifty new novelties', one complaint coming from the pro-birth control Racial Hygiene Association.¹⁰¹ Bernard Shaw's play *Mrs Warren's Profession* (the performance of which was banned in England by the Lord Chancellor from 1898 to 1924),¹⁰² an unidentified birth control title by Marie Stopes, Bocaccio's *Decameron* (banned only in cheap editions by Customs in 1923), Shakespeare's suggestive poem *Venus and Adonis*, *Aristotle's Masterpiece* (described by book historian Jonathan Rose as 'a handbook of folk gynaecology and obstetrics by an unknown author' and read by working-class Brits in quantity)¹⁰³ and Remarque's *All Quiet on the Western Front* were all caught in the sweep. In the NSW district court, Mr Camphin SM declared them obscene, with particular emphasis on the 'suggestive' manner in which they had been offered for sale.¹⁰⁴

Raids continued. In September, members of the Racial Hygiene Association protested to the Chief Secretary at the too obvious display of obscene and indecent titles in certain bookshops. One shop was closed and books seized, reported the *Sydney Morning Herald*, but the ensuing raid backfired dreadfully, the police collecting titles by Marie Stopes that the RHA had strongly advocated as essential reading.¹⁰⁵

The *Redheap* controversy set off an escalating public campaign against censorship. In May the *Sydney Morning Herald* published a series of critical articles and editorials, and in June a deputation of writers, booksellers and representatives from the Australian Journalists Association met with the Minister. Devanny and Palmer published their essays in *Stead's Review* in July, in response to Frederick Howard's piece on *Redheap* in the previous issue where he had declared that 'Customs House censorship is doing little harm and much good by administering avuncular kicks in the pants to the small-boy novelists who come to make rude faces at Australia's front

doors'.¹⁰⁶ In July 1931, a year later, press opposition to censorship seems to have helped stop the prosecution of an issue of *Art in Australia* devoted to Norman Lindsay's art, Lindsay aided by the political contacts of the journal's editors.¹⁰⁷

The anti-censorship position swung on a polarisation between the left's protest at excessive political censorship and an aesthetic defence of the new legitimisation of sexuality in art and culture. Some socialists followed Devanny's feminist line in emphasising the importance of working-class access to real information about sex, birth control and bodily anatomy, but even she had declared herself 'absolutely in favour of laws against obscenity', while contesting the principles of censorship itself.¹⁰⁸

A pamphlet published by Angus & Robertson in 1930 titled *The Censorship and Public Morality* offered an exceptionally unapologetic argument for the legitimate representation of sex in literature: 'We may abandon the idea of sex itself being obscene'.¹⁰⁹ Released under the pseudonyms Brian Lloyd and George Gilbert, it looks to have been the product of Adelaide bookseller John Lloyd Preece and his brother Edgar, of F. W. Preece and Sons, perhaps with their partner Gilbert W. G. Ponder. Preece was also the editor and publisher of another small modernist art and literary journal – *Desiderata*, first published in 1929 – which ran an inset about the pamphlet.¹¹⁰ Their definition of obscenity was liberal, rational and scientific: 'In these days we can hardly accept sexual phenomena and their relative organs as obscene *per se*, though the mob and its press would have us do so.' They cited a 'well-known feminist' complaining of the 'panic-stricken lack of balance' with which the subject of sex was treated, decrying the role given to women as moral 'god's police' by government and the censors in particular.¹¹¹ The pamphlet acknowledged D. H. Lawrence's 'Pornography and Obscenity', Aldous Huxley, M. L. Ernst and W. Seagle's *To the Pure ...* (Ernst had represented *The Well of Loneliness* in a successful trial in the US in 1929), and Viscount Brentford's (formerly from the UK Home Office) *Do We Need a Censor?* It was a well-read piece of work, drawing on publications themselves subject to the censors.

Arguments about art and culture developed into real fights with government in the 1930s, and materialised a new set of progressive cultural institutions and organisations. Stuart Macintyre's history of Australia argues that the gulf between intellectual life and the 'mistrustful, practical men who exercised authority' was then the widest it had ever been.¹¹² By the mid-1930s,

ongoing political censorship and further literary bans meant vocalised anti-censorship protest was morphing into organised resistance. The Australian Institute of Political Science supported the anti-censorship campaign, for example, publishing articles for the general reader in its magazine *Australian Quarterly*. Articles by F. S. Burnell, W. Macmahon Ball and H. M. Storey appeared in March 1933, June 1935 and June 1937.¹¹³

The *Upsurge* banning in 1934 galvanised left writers around the new Book Censorship Abolition League. Its objectives included ‘the abolition of all forms of censorship’ and called for the release of the banned list and the immediate free admittance of all publications circulating in England. The first meeting resolved to ‘challenge from time to time in a court of law the application by the Government of the censorship law’.¹¹⁴ A petition gathered 20,000 signatures, and in February 1935 a public meeting in Melbourne Town Hall was organised by writer Cyril Pearl of the *Star* and the proceedings published in a pamphlet.¹¹⁵ The proposition ‘That Political Censorship Should be Abolished’ was debated. Norman O’Brien of the United Australia Party concluded the negative case, declaring, ‘I have never seen a healthy-minded character in any book of Norman Lindsay, about whom there is so much clamour.’¹¹⁶ Without having launched a legal challenge to Customs, the League folded in 1935, but its initiative led to the establishing of the Council for Civil Liberties in 1936.¹¹⁷

The writer Bartlett Adamson moved a motion at a Sydney meeting of the Fellowship of Australian Writers in March 1934 to condemn government censorship: ‘In a free democracy such as Australia the Government’s ban serves no other purpose than to stifle freedom and retard social and cultural progress’. He was opposed by the poet Dame Mary Gilmore, whose two years on the film censorship appeal board had ‘convinced her how essential was censorship’.¹¹⁸ After many speakers, the meeting agreed to appoint a committee to debate the whole question, resulting in the later passage of Adamson’s motion.

In April 1934, the Australian Literature Society (a reading rather than writers’ group, precursor to the current Association for the Study of Australian Literature) was treated to an examination of censorship from the lawyer Anna Brennan and the writers F. T. Macartney and Frank Wilmot. Former manager of Coles Book Arcade in Melbourne, Wilmot published modernist poetry under the pseudonym ‘Furnley Maurice’. The ALS reported that he spoke on censorship ‘in his usual racy fashion’.¹¹⁹ In May, the society hosted

a long presentation on the same subject from writer and lawyer Leonard Mann. His anti-war novel *Flesh in Armour* had won the society's 1932 Gold Medal while his thriller *Murder in Sydney* would be reviewed and passed by the Literature Censorship Board in July 1937.

Mann declared: 'In this world of today, which is turning either in fear or cowardice towards the authoritarian, the oligarchical and dictatorial, it is necessary to defend to the utmost those liberties which remain to us – more, to increase them.' He found censorship no less objectionable if it was done by a Board than by Customs officials. *All About Books* reported him: 'he would hate that anything he might write would depend for its ultimate verdict upon three, however estimable, people'.¹²⁰

In June 1934, the *Workers Weekly* featured news of the Jean Devanny Defence Committee.¹²¹ A year later in Paris, Nettie Palmer and Christina Stead drafted a report to the Paris Congress of Writers for the Defence of Culture protesting against Australian publications censorship. The Perth *Daily News* quoted them:

Taking advantage of the distance from Europe, the (reactionary) Government bans books which would keep Australians in touch with progressive English and European thought . . . We are demanding that the worth and legality of books should be judged by Australian literary leaders.

They urged the Paris Congress to send protests to UAP Prime Minister Joseph Lyons.¹²² Stead's own novel *Letty Fox* would be banned by the Literature Censorship Board in 1947.¹²³

In response to such pressure, federal parliament debated 'the book censorship' and White delivered a lengthy reply speech on 27 March 1935. Responding to the call to abolish censorship completely, he reworded Milton's *Areopagitica* from 1644 to declare: 'Some people feel that they should have the licence to do just what they choose, instead of the liberty to do as they ought'. To the suggestion that Australia should admit all books and publications circulating in England he responded: 'the fact is, that in the enormous output in Great Britain there are produced some of the worst examples of obscene and indecent literature'. White defended the Customs regime, including the operation of Section 52(c) and Item 14's definition of sedition, emphasising the long-standing nature of Customs' powers (rather

than his department's more energetic use of them), which he declared were 'fairly and reasonably administered'. The new Book Censorship Board was a significant accommodation of national interest in the question.

White also blamed the 'audacious' directions of modern writing for any increase in censorship, describing the difficult work of the Board:

what an unenviable public duty these gentlemen carry out in wading through the foul pages of pornographic and salacious books, often containing the coarsest language and vilest obscenity, or in interpreting the message of weak-eyed and maudlin writers who plead the special case of the vicious, the depraved and the criminal.

White sought to convince members that the number of books banned was 'comparatively small', but he reported that 'since Federation, some 400 books, including the pamphlets, newspapers and typewritten statements . . . have been prohibited, or an average of one a month' – a not insignificant number. After 1921, however, the average was reported at 'only about six or seven publications per month': at 84 a year, over 14 years, those figures total 1176 publications banned between 1921 and 1935, almost three times the 400 since 1900 total White offered.¹²⁴

Political censorship being the sorest point, White's inflammatory speech goaded the Labor opposition about its weakness towards Communism and pointed to the affiliations of the Book Censorship Abolition League, Harcourt sharing with communists Katharine Susannah Prichard and Devanny membership of the Writers Internationale. Industrial conflict was at a high point, unemployment and homelessness were rising, while industrial clashes, demonstrations and eviction riots saw conflict between workers, police and the army, and the rise of paramilitary organisations from both the left and right.¹²⁵ Meanwhile, events in Europe meant that writers and intellectuals, as well as some members of the opposition benches, were arguing against the Lyons government and its Attorney General Robert Menzies and Customs Minister White that the real danger was not communism, nor obscenity, but fascism.

In September 1935, White received another deputation of anti-censorship groups, led by Macmahon Ball from the Book Censorship Abolition League, and including the presidents of the Australian Natives Association and the Trades Hall Council. Macmahon Ball argued strongly

for the admittance of banned political books, at least those that circulated in Britain, but made no case for publications banned as obscene. White repeatedly brought the discussion back to the issue of pornography, however, and Macmahon Ball walked out. Immediately afterwards, White received a waiting pro-censorship delegation, members of organisations such as those who had supported his decision on *Brave New World*.¹²⁶

The publishers of *Brave New World*, Chatto & Windus in the UK, requested an appeal for Huxley's novel when the Book Censorship Board was established in July 1933, along with Aldington's *All Men Are Enemies*. Their Australian distributors forwarded copies for the Board, noting that only Australia and Ireland had banned Huxley's book. White replied that the books were in 'no different category from others banned' and that the Board 'is so busily engaged with books arriving that I am afraid it is not possible for them at present to inquire into those already banned', which was true.¹²⁷

In 1936, Professor Alexander Gunn from Melbourne University imported a copy of *Brave New World* via Melbourne University Press and it was seized. A request for special release went to the Minister, quoting advice from law Professor George Whitecross Paton that under the regulations 'books required by University teachers would not be seized in this way'. White noted to Customs that both Professor Paton and the importer, writer Frank Wilmot, 'are prominent in the propaganda of the Book Censorship Abolition League'. He advised release but warned that importers needed ministerial permission before ordering books for lecturers, noting also that his new concession, to allow restricted access for teachers and students, 'referred mainly to seditious books'.¹²⁸

Only after the change to the Literature Censorship Board in 1937, when an Appeal Censor was finally appointed, was *Brave New World* seen by a member of the Board, and released in 1937 with *Ulysses* and a *Farewell to Arms*. Upon its release, Customs received a request from Elsie Belle Champion of the Book Lovers Book Shop and Library in Melbourne asking that the library's two confiscated copies be returned. Customs replied on 3 September 1937 that, in accordance with the provisions of the *Customs Act*, they had been destroyed.

In 1935, Minister White condemned the 'advanced and audacious pseudo-modernist writers who claim to write a new morality and a new psychology'.¹²⁹ While not targeting modernism exclusively or even pre-eminently, censorship clearly delimited its development in Australia,

restricting connections between sexuality and the cosmopolitan modern in assertive ways. From the late 1920s until the middle of the century, Australian expressions of literary modernism in the European mode were mostly confined to poetry – such as the work of Kenneth Slessor in Sydney or the more intellectual ‘Furnley Maurice’ in Melbourne – and to the pages of small magazines with short lives like *Desiderata* and *Stream*. Other versions expressive of local understandings certainly were published, including the neglected work of women poets, or smaller, intellectual novels such as Eleanor Dark’s *Prelude to Christopher* from 1934. These were concerned less with modernist form-busting than with the ideas of modernity, including morality and psychology, and were exceptional in a period dominated by socially-conscious realism and historical novels.

While it is impossible to gauge the exact effect of censorship on the development of literary modernism in Australia, the ‘age of candour’ condemned by Frederick Howard could not be said to have had full sway, nor were modern writers ‘unfettered’ and ‘fearless’ as he charged. Far from it. Huxley, Joyce and Lawrence had their Australian defenders and emulators, but none stepped directly into their shoes; banned Lindsay and Devanny were as different from their version of modernism as they were from each other. And such advanced audaciousness was costly under White’s regime.

Homosexualists and pornographs

Isn't existence difficult for us poor homosexuals? We can't help being what we are. We've got the laws of England against us, and all the prejudices which those laws set on foot.

Terence Greenidge, *The Magnificent*, banned 1933

The very first book on which we have reports from the Book Censorship Board is *The Magnificent* by Terence Greenidge, subtitled *A Story without a Moral*, from the Fortune Press in London in 1933. The Board banned the novel unanimously on 13 September for its representation of homosexuality. Garran's report was short and clear: 'I have no doubts about this book. Half the characters are homosexual, with a habit of telling their friends and acquaintances so. One even discusses it with the woman he afterwards marries – who takes it quite as a matter of course. I should recommend this be banned.'¹ L. H. Allen agreed, while making a fine distinction between the expressive and descriptive representation of homosexuality: 'Unhealthy homosexuality, although I think it is not so much the book of a homosexual as an attempt to delineate the homosexual mind. Ban.' Haydon's more detailed report listed the page numbers of indecent or obscene passages. He objected to how the homosexual characters were not only accepted but admired: 'In many of the dialogues the speakers not only condone the ways of homosexuals but appear to regard such persons as belonging to a select class of elite . . . 'The Magnificent' should be banned'.²

Homosexuality has had a long life as a form of obscene meaning in most systems of censorship. How strongly it featured as a target for Australian

censors and in what forms it mattered to the regimes of moral control has not really been established, however. While its presence in banned publications is unsurprising, what is a revelation is the extent of its offence through the life of federal censorship and earlier, and the gravity with which that offence was regarded. This chapter maps only a small portion of banned titles, from Radclyffe Hall's great call for recognition in 1928 and the handful of adventurous Australian titles, to American psychological realism of the late 1940s and 1950s. In its various forms, homosexuality was often treated as a threat more dangerous, more pervasive and more in need of erasure than any other manifestation of obscenity. American cultural theorist Lee Edelman argues that at base all censorship is most afraid of homosexuality and that '[o]nce sexuality may be read and interpreted in light of homosexuality, all sexuality is subject to a hermeneutics of suspicion'.³ Australia's moral character as a nation was defined as heterosexual as strongly as it was defined as reproductive and white, and censorship regimes have been powerful agents for that construction.

Censors actively targeted the expression of same-sex desire, descriptions of gay, lesbian, bisexual, transsexual, and cross-dressed sexual practice, the elaboration of gay and lesbian identities as identities, agitation against restrictions on the expression of same-sex themes, as well as many other forms of meaning beyond a straight, reproductive model for intimacy and sexual life. Thorne Smith's *Turnabout* was banned in 1935, for example, for its rendition of the well-worn, body-swap gag, in which an ad-man husband and bored wife wake up one morning to discover they have swapped bodies. Until the late twentieth century, homosexuality was seen as a pornographic and perverted form of obscenity where present in literary or popular novels, avant-garde poetry or films of all kinds, magazines or postcards. From the earliest moments of government censorship in Australia, and increasingly as an explicit priority, the erasure of homosexual meaning from as many public fora and discourses as possible was achieved to a significant degree.

Australian censorship records offer an extraordinarily rich counter-history, dating from the formalisation of import censorship. Literary censorship in particular shows the moments when claims to art and self-representation breached the established role for homosexual meaning as only ever a trope of pornography, necessarily immoral and corrupt. It thus also evidences Australia's powerful repression of such attempts at normalisation.

The assertive normalisation of homosexual identity was Terence Greenidge's offence in *The Magnificent*. A friend of Evelyn Waugh's, Greenidge was a member of the 'hypocrites' at Oxford University in the 1920s and the author of a mildly scandalous book called *Degenerate Oxford? A Critical Study of University Life* (1930), which compares the 'aesthete' with the 'normal' as 'types' of masculinity. The book relies on the versions of upper-class homosexuality, especially male, that were circulated by the Oscar Wilde scandals and bolstered by the writings of Edward Carpenter and the 1928 UK publication and prosecution of *The Well of Loneliness*. While *Degenerate Oxford?* had some limited reception in the UK, *The Magnificent* and Greenidge's next book, *Brass and Paint: A Patriotic Story*, were among a group of novels from Fortune Press to be successfully prosecuted by British police for obscenity in 1934.⁴

The Magnificent's main character declares in the first chapter that '[l]ike so many products of the cloistered Public School and Varsity system, I was completely homosexual in the early twenties'.⁵ Set in the London film industry during the lead-up to the General Strike, the novel is an amalgam of Hollywood glamour, public-school aestheticism and a thin, sloganeering socialism into which intrudes Michael, the central character, looking for love. The novel's main thrill is Michael's love for Derek, a heterosexual actor nicknamed the Magnificent and, like other male characters, Michael seeks Derek out, declares himself and is betrayed. In substance, *The Magnificent* is a homosexual romance without sex. By the end of the novel, Michael has fallen in love with Derek's girlfriend, declaring to have found his 'normal' self in an unconvincing turn-around that ends with their marriage.

Marketed as a 'modern' novel, with a plain cover asking 'But what is British boyhood really like – at its best? Who really is the fit man?', the book is in a class written to sell, with an interest in modern manners and the deep class conflicts of the 1920s, but it deliberately foregrounds love and attraction between men as a legitimate feature of its world. In the wake of the prosecution of *The Well of Loneliness*, gay fiction from the 1930s and 1940s had few happy endings: Samuel Steward, long-term friend of Gertrude Stein and best known as a masterly writer of gay erotica, described the decade's genre as 'a sad and sorry thing'.⁶ *The Magnificent* ends by reaffirming the heterosexual order and middle-class virtue.

The Board banned *The Magnificent* for its self-consciousness, objecting not only to Michael's desires but his declarations. This banning reveals (at

least male) homosexuality as an established category of the obscene for the Book Censorship Board, not only in its explicit representation as sexual practice but as a social identity. The trials of Wilde in the mid-1890s, his jailing and the prosecution of *The Picture of Dorian Gray* for obscenity ‘announced the emergence of homosexuality at the turn of the nineteenth century as scandal, as pornography, and as obscenity’, as Judith Halberstam suggests.⁷ Their influence in the colonies seems similarly to have established a legal relationship between acts, behaviours, roles and representations, stabilising these into agreed notions of illegal expression, as Michel Foucault has so influentially asserted for a European context.⁸ ‘Homosexualist’ writers like Greenidge and characters like Michael not only had the laws of England against them, but the laws of British settler colonies like Australia, which defined that identity as not only obscene but criminal.

‘A delineation of abnormal types, polyandrums and effeminate’ is how L. H. Allen described Noel Coward’s play *Design For Living* in a 1933 report. With his wide vocabulary for ‘abnormal types’, including women with multiple husbands, or the depiction of ‘satyriasis’ (excessive sexual desire in men), Allen also charged writers whose work he deemed to be of insufficient literary merit as ‘pornographs’. The identification of abnormal types in Coward’s play did not occasion its banning, but instances the kind of categorisation that the Board’s reading practices produced. Homosexuality features notably in this pseudo-sexological taxonomy of perversions and anomalies, identified by the classicist Allen using a vocabulary borrowed not only from sexologists like Ellis and Krafft-Ebing, but the writings of the Greeks and Romans.

The censors used coded forms of language to decry and condemn same-sex desire and homosexuality without naming them. Their adjectives reveal the shifting ways in which ‘deviance’ was identified as not only unacceptable but superlatively negative in itself – degenerate, corrupt, debased, perverted, disgusting, revolting, repulsive, crude, harmful, dangerous. For correspondence within Customs, ‘sex perversion’ came to mean not broadly but narrowly what we now easily recognise as lesbian and gay male sex and sexed desire. Particular euphemised and increasingly medicalised language codes were used to silence these forms of sexuality even in the written archives of the bureaucracies that prohibited them.

Male homosexual identity, and lesbian to some extent, did function as a recognisable category of the obscene for censorship regimes in Australia

and so attracted bans. But sexual *practice* was a more complex or unstable textual object, although also almost always banned. With a long history as a definitive trope of pornography, sex between women or men was not treated as a distinct category of obscenity recognisable in its own right. Rather, it was banned as one usually unnamed feature of the broad spectrum of obscene meaning, along with other forms of sexual meaning that variously could be seen to be outside the confines of married, usually reproductive, respectable intimacy.

The separation of these two aspects of homosexual meaning – sexual activity and identity – was a deliberate refusal of the political claims of people to freely engage in sex, desire and relationships defined as illegal. The ways in which censorship operated to enforce this separation is a significant part of homosexual oppression in most countries of the world. When focused on the ‘perversion’ of homosexuality, obscenity censorship restricted representation of the ways in which those forms of sex became sexuality – or modes of being, occupiable and consciously or unconsciously performed as identity. These restrictions can be seen to have powerfully defined the ways in which those sexualities became *legible* in Australian culture; that is, how they took on signification, became recognisable or were allowed to be recognisable in a public way.

The Well of Loneliness

Radclyffe Hall professed to have written *The Well of Loneliness* in 1928 in order to ‘smash the conspiracy of silence’ about sexual ‘inversion’.⁹ The world’s best known lesbian novel may have smashed the silence temporarily in Britain and more permanently in the US, but in Australia it incurred a greater muffling and a new conspiracy that saw it and other titles silenced for decades. Banned before *Ulysses*, it was actually *The Well of Loneliness* that inaugurated the spate of bans on modern novels, from January 1929. The book’s sensational prosecution in the UK and equally sensational acquittal of obscenity charges in the US attracted some ongoing press coverage in Australia, but Customs worked hard to remove Hall’s novel from circulation silently and without scandal. It was withdrawn from public access before a copy could even be procured, and banned with no reference to expertise or community standards and no accountability to an uninformed public, while underground copies were elaborately tracked and seized. Its treatment suggests that it was homosexual rather than more broadly modernist

obscenity that motivated the increase in literary censorship through 1929 and 1930, via Edelman's 'hermeneutic of suspicion'.

Hall wrote *The Well of Loneliness* as an impassioned tragedy, with the support of her partner Lady Una Troubridge, to insist on the rights of women to be in love with other women. It was a brave provocation. While long criticised for its tragic scripting and coyness (the most explicit reference to physical sex is the line 'and that night they were not divided'), *The Well of Loneliness* sought to portray the humanity, suffering and dignity of women who identified as homosexual or 'inverted'. Hall used the language of German sexologist Richard von Krafft-Ebing and British writer Havelock Ellis, who first published on 'Sexual Inversion' in 1897. By 1928, Ellis was well known internationally for his defence of same-sex desire as a psychological deviance with its own taxonomy of behaviours and 'types', an effect of the 'inversion' of heterosexuality rather than a perversion, and neither immoral nor depraved. Hall agreed that homosexuality was a congenital condition, an expression of the inversion or reversal of female/male gender binaries, and prevailed on Ellis to write a preface to the novel's first edition.

The book underwent two trials in Britain accompanied by frenzied reportage in the newspapers, while high-profile writers, most notably Virginia Woolf, participated in its defence. It was first published by Jonathan Cape in London in July 1928 to a generally positive reception, but on 19 August, the editor of the *Sunday Express* James Douglas published a feature article titled 'A Book that Must be Suppressed', with a large photo of Hall in a gentleman's silk smoking jacket, a high collar and black bow tie. 'I say deliberately that this novel is not fit to be sold by any bookseller or to be borrowed from any library,' he declared. Douglas ended with a line that has since haunted readings of *The Well*: 'I would rather give a healthy boy or a healthy girl a phial of prussic acid than this novel. Poison kills the body, but moral poison kills the soul.'

The piece was carefully stage-managed, with pre-emptive teasers in the papers of the day before and other Sunday papers besides the *Express* reporting on Douglas. By Monday it was a full-blown scandal in most British newspapers; a columnist in the *Adelaide Advertiser* began reports from London a month later, which continued until the outcome of the trial.¹⁰ Bookshops reported an instant sell-out and collectors started to seek remaining copies. Hall was already receiving fan mail but after the Douglas article 'hundreds of letters and telegrams poured in' to her home with

Troubridge, expressing sympathy and support.¹¹ To Hall's horror, Jonathan Cape allowed Jix, the British Home Secretary, to read the book to decide whether it was obscene. Jix asked for it to be withdrawn and Cape had to comply. In an attempt to repair his actions, Cape quickly arranged for a new edition to be printed in France, but on 4 October, British Customs seized 249 copies of *The Well* at Dover, under Postal Orders from the Home Secretary.¹² Several bookstores were raided and Cape himself was charged with violating the *Obscene Publications Act* of 1857.¹³

The antics of Inky Stephensen, in London from 1925, provided an Australian connection. He was behind *The Sink of Solitude*, a satirical lampoon released before *The Well* went to trial. A thin booklet from The Hermes Press in Bloomsbury, it combined rhyming doggerel from "several hands" with confrontingly explicit, Beardsley-esque cartoons from artist Beresford Egan. The lampoon did not spare Hall nor Havelock Ellis, while skewering Douglas, Jix, Cape and the precedent itself. As well as the *Sunday Express*, the authors railed against 'the pathetic post-war lesbians with their "mannish" modes and poses; the sentimental scientificity of psychopaths like Havelock Ellis who ponderously "explain" them; the feebleness of *The Well of Loneliness* either as a work of art or as a moral argument'.¹⁴ The group issued a further lampoon soon after called *The Policeman of the Lord*, directed at Jix.

In the headlining trial in November 1928, Chief Magistrate Sir Chartres Biron disagreed with any artistic achievements for *The Well of Loneliness* and found it obscene. The book's literary merit was in fact its danger. Biron invoked Douglas's poison metaphor: 'It is quite obvious to anybody of intelligence that the better an obscene book is written the greater the public to whom the book is likely to appeal. The more palatable the poison the more insidious.'¹⁵ Biron declared the 'unnatural offences between women' in the book involved 'the most horrible, unnatural and disgusting obscenity,' and recognised that the 'tragedy' of the novel is the failure of decent society to respect those who practise these offences. Hall was able only to interject when the Magistrate declared his offence at Hall's representation of her fellow lesbian ambulance officers during World War I and called for the persecution of homosexuals by 'all decent people'. 'It is a shame,' declared Hall, after being threatened with removal.¹⁶ In the appeal court in December, twelve judges took ten minutes to find the book obscene and *The Well of Loneliness* was banned in the UK from 1928 until 1949.¹⁷

The publicity in the UK saw Knopf in the United States break its contract with Hall; four other major American publishing houses refused to publish *The Well*.¹⁸ A new, adventurous firm called Covici-Friede picked up the book, and their December 1928 edition sold 20,000 copies in the first month and went to a fourth printing. The edition sold 100,000 copies in its first year and Hall's first royalty cheque was for US\$64,000.¹⁹

Before the end of that first month, however, Covici-Friede was summonsed in violation of the New York penal code and the books seized. In court in February 1929, defence lawyer Morris Ernst, who would successfully defend James Joyce's *Ulysses* in 1933, set out to prove *The Well* was not obscene. Ernst argued the book would not corrupt by citing publications with similar representations that did circulate in the US, such as Emily L. Shields' *The Cult of Lesbos* and the *Lesbian Herald* published by the students of Women's College in Frederick, Missouri. He quoted extensively from Theophile Gautier's *Mademoiselle de Maupin* in particular, first published in Paris in 1835, which Australian Customs had confiscated from a Launceston importer in 1912 along with *Madame Bovary* and other books.²⁰ When protesting the British prosecution of Hall's book in 1928, 'John Lester' in Perth's *Western Mail* contrasted the circulation of Strindberg's *The Confession of a Fool*, Zola's *Nana* and *Mademoiselle de Maupin*, while Kalgoorlie's *Western Argus* pointed to Compton Mackenzie's satirical *Extraordinary Women*, as did others in the British context. At issue was the gravity with which sexual inversion or lesbianism was treated.²¹

The first New York magistrate declared *The Well* likely to be found obscene but on 19 April 1929 the Court of Special Sessions cleared it of all charges.²² Covici-Friede took out a full-page advertisement in the *New York Times Book Review* to celebrate the victory, touting American liberalism. Precisely because it carried 'the legal mark of that pronouncement', *The Well* became the 'first' lesbian novel in English, 'the one novel that every literate lesbian in the four decades between 1928 and the 1960s would certainly have read'.²³ In Australia, that was rather in question.

Mrs Mitchell of the NSW Police

Australian Customs files on *The Well of Loneliness* begin on 28 January 1929, days after its seizure in the US and three months after its trial and banning in the UK.²⁴ Ernest Hall, Comptroller General, sent a memorandum to the state collectors advising them to detain any copies coming under

notice and to provide a report. He noted that the sale of the book had been prohibited in Britain but 'it is being freely sold in France and . . . copies are being forwarded to Australia via Marseilles'. No copies were detected. Without one, Customs could not confirm Hall's novel was obscene, so the Commonwealth Investigation Branch was deployed to track one down. The Director of the Canberra branch, recently established in the new national capital, wrote on February 12, 1929 requesting Inspector R. S. Browne in Melbourne to obtain a copy, noting the recent Paris reprint.²⁵ On May 4, Browne wrote in defeat:

close attention has been paid to your request for a copy of the book 'The Well of Loneliness', but it is impossible to secure a copy in this State.

When the book was prohibited in Great Britain the price advanced very considerably, and almost every copy available in Australia was sent to England for sale.

Two copies were 'known to be in Melbourne', but could not be located. Victoria's colonial trade in the book had been evacuated by overwhelming demand from the black market in Britain, almost a year after first publication and five months after the ban.²⁶ Rather than French copies circulating to Australia, Australian booksellers were sending their copies illegally to the UK.

On 5 May, however, the Melbourne Inspector sent a breathless letter to Canberra informing that a single copy could be procured 'if application is made at once': 'The cost may be from £2 to £2/10/0. If therefore you want a copy you must let me know by return of post. The edition is understood to be the Paris edition, and the original publishing price was 25/-.' The Director replied on 15 May that he had instead requested the Victorian police to seize any copies of *The Well*, on the Inspector's advice. Customs had acted already, however. After the initial warning but before a copy had been found, *The Well* had been banned, 'sight unseen'.²⁷ Australian definitions of obscenity remained reliant on the Hicklin test, which had informed Magistrate Biron's decision in London, and so the department was arguably acting within its legal powers when it did so; certainly newspaper commentators assumed an Australian ban on the strength of the British. In April 1929, a memo sent to the state Collectors informed them that it was to be 'dealt with as a prohibited import under Section 52(c) of the Customs Act'.

Two other copies survived being purloined for the British black market, though, and were being lent out to readers by the French Art Studios in Sydney and Melbourne. Customs and CIB were informed by the Victorian police later in May 1929. Brossois from Sydney Customs reported on the illegal arrangements offered by the Martin Place bookshop and its owner Lew Parkes: 'The borrower pays £4 on taking delivery of the book and on returning it in good condition, an amount of £3/10/- is refunded.' Lending a banned book to the public was a dangerous enterprise and even an expensive deposit was no guarantee that it would be returned.²⁸

In June 1929, Brossois was despatched with CIB detectives and Mrs Mitchell of the NSW Women Police posing as a reader: a woman was presumably more plausible. After five failed applications – the single copy was very much in demand, despite the surety – she was handed the banned book. Parkes then 'informed Mrs Mitchell that he would allow her to read the book free of charge as a solatium for her numerous fruitless calls'. To complete the sting, Brossois crossed the street to telephone the Attorney-General's Department so the Melbourne copy might be confiscated simultaneously. He returned with Mitchell to inform Parkes that the copy had been seized.

Brossois could then furnish a report to Customs on the book's obscenity, noting with surprise *The Well of Loneliness* was of 'considerable literary merit'. But its portrayal of 'certain female sexual perversions', expressly 'the loves of a female invert with two members of her own sex', rendered the book legally obscene.²⁹ Parkes could not challenge the seizure in the courts because of the effective technicality that the French Art Studio's copy had been imported before the ban came into effect.³⁰ Another copy was seized by Customs, found in September 1929 with *Lady Chatterley's Lover* in the parcel for the ostensibly respectable Webb. Again, no challenge was mounted. The 'twilight' existence of *The Well of Loneliness* in Australia darkened after this, with interested readers having to seek out copies even more illicitly.³¹

The Well was republished in Britain in 1949 without prosecution, but its release date in Australia is very difficult to establish. Coleman reports that after the minor policy liberalisation in 1937 and the release of *Farewell to Arms*, *Brave New World* and *Ulysses*, the Literature Censorship Board also released *The Well of Loneliness* in 1939.³² The Board offered no report on *The Well* nor on any of these titles; it was Garran, acting in his new position as Appeal Chair, who released the Hemingway, Huxley and Joyce books.³³ *The Well* is not mentioned.

An index card recording the treatment of Hall's book by the Sydney Customs Office in the late 1950s both reveals and further obscures its history.³⁴ The card confirms that the book was never referred to the Board but suggests, ambiguously, that it may have been released on 15 August 1939 and the state collectors advised of this on 17 August. If this was the case, it was an extraordinary departure from practice that often relied on if not outdid British precedents, and made *The Well* available in Australia nine years before Britain. Another file date on the index card suggests action from the department in 1946. In that year full of censorship scandals, the Sydney *Sun* had managed to discover 'by some dark process' that, along with Erskine Caldwell's *Tobacco Road* and Richard Aldington's *Death of a Hero*, *The Well of Loneliness* had by then been released.³⁵ And in 1948, the *Sydney Morning Herald* reported that booksellers had not been informed when 'about 100 books accepted as literary classics had been removed from the prohibited list ten years ago'. The article listed *The Well of Loneliness* along with *Brave New World*, *Farewell to Arms* and Balzac's *Droll Tales*.³⁶

In the US, after *The Well* had been so triumphantly cleared for distribution in 1929, American publishers released lesbian novel after lesbian novel: books with titles such as *Hellcat* (1934), *Love like a Shadow* (1935), *Queer Patterns* (1935) and Helen Anderson's *Pity for Women* (1937). Limited by *The Well*'s epistemological closet, they too were 'sad and sorry things', as Stewart suggested of *The Magnificent* – their plots morbid, characters pathologised and endings tragic.³⁷ But they circulated. In Australia, Lilyan Brock's *Queer Patterns* was banned in 1954 and Barbara Brooks' *Hellcat* in 1969 without being referred to the expert Board, both in editions that advertised them as genre novels or lesbian pulp.³⁸

What is clear is that with so much emphasis on political censorship and the banning of high-profile heterosexual writing with modernist credentials, *The Well*'s call for recognition of homosexuality had few if any public champions in Australia in the late 1920s and early 1930s. About the book, Nettie Palmer declared that 'the chief thing to be said . . . is that Radcliff [sic] Hall is a writer whose previous novels gave her distinct status as a literary artist, and that the present book was both helped and hindered by Havelock Ellis' approving preface . . . it asked for trouble'. Ellis's name alone served as code for inversion, homosexuality or lesbianism for Palmer's readers, while his involvement detracted from the 'purely literary value' of the book.³⁹

Lloyd and Gilbert's eloquent protest pamphlet declaimed in 1930 that 'a considerable advance has been made since the last century in the direction of sex education, frankness and the overthrow of mock modesty in sex matters, *malgré* our aunts'.⁴⁰ The maiden aunt, thus, was not suspected of another kind of sexual life altogether, and Lloyd and Gilbert's protest still drew the line at certain forms of obscenity that were posited as clearly pornographic. Without an explicit defence of inversion or homosexuality, it was *de facto* classified as obscene.

In February 1950 young Harry Brennan, a student of English at Sydney University, wrote directly to Allen, Chairman of the LCB, to protest the banning of prominent left-wing American critic and writer Edmund Wilson's short-story collection *Memoirs of Hecate County*. It was banned by the LCB in 1947 for the explicit lesbian content of one story, 'The Princess with the Golden Hair', described by Binns as 'far beyond English literary conventions'. With some suggestion that a leather back brace could be erotic, Wilson's story satirises east coast American sophistication in a manner similar to Christina Stead's *Letty Fox*, which also portrays women's homosexuality as a not uncommon feature of that world.

Brennan reported he had also read *The Well of Loneliness*. 'Objectively,' he wrote, 'as an English student'. In his opinion it was: 'as unbiassed and sympathetic a treatment[?] of lesbianism in modern life as could ever be expected; but I wonder why it was even banned at all, at least from the major libraries? Children shouldn't read it, I admit; but should everyone be brought to their level?'⁴¹

In 1951, Garran as Appeal Censor released *Memoirs of Hecate County*, citing the importance of the suspect passages to Wilson's contrast between rich and poor. By then Hall's *Well of Loneliness* was able to circulate freely, its file noting in July 1951 that, since the book had 'been approved for importation', the file itself should be destroyed.⁴² A number of case files relating to books prohibited for importation include this directive, which was clearly disobeyed, perhaps with posterity in mind.

While *The Well* has been blamed for a tragic scripting of lesbianism through the twentieth century, its US and UK scandals did what Wilde's trial had done but with more positive effects – disrupted the identity category of the homosexual so far as to transform it, making the lesbian as such recognisable. As Taylor argues for the US reception, 'when persons created under the category speak, they transform the category'.⁴³ An

anonymous Australian woman identifying as lesbian recalls having a sense of the word by the early 1950s, but 'I don't know how I knew what the word was or where I'd read it because there certainly still wasn't much around in the papers or anything like that. You didn't read about it.'⁴⁴ The dampening of the book's scandal in Australia had significant effect compared to the UK and US, and the category of 'lesbian' had to come into public recognition in quite different ways, one could say belatedly, and much less dramatically.

Twisted Clay

During his adventurous life Frank Walford was variously a crocodile hunter, mayor of the Blue Mountains and the author of a banned, bestselling thriller starring a lesbian serial killer. *Twisted Clay* was published by T. Werner Laurie in the UK in 1933 as a sensationalist modern novel about a 'deviant', very much in the mode of the new psychological novels of the 1930s that so concerned Customs Minister White.

Like Greenidge's *The Magnificent*, Walford's novel is interested in the tension between eugenic inheritance and modern, urban freedom in determining character. The first-person protagonist is a girl inheriting lesbianism and 'paranoiac' tendencies from her mother, and the book reveals her as a pathological liar and murderer with a sociopathic lack of empathy and guilt, even as we're asked to empathise with her. The novel begins by investigating Jean's abnormal girlhood in the Blue Mountains, including her father's murder and her lesbianism, and moves with her to Sydney. There, after her incarceration for murder and mental illness, it becomes a sex and crime thriller about the pathology of a woman serial killer, murdering men across the city.

Twisted Clay's high-octane mix of sex, crime, and morbid sensationalism includes an early abortion without regret, patricide, a love affair and euphemised sex between Jean and a woman cousin, Jean's incarceration and escape to become a sex worker in Sydney, her rampage in various disguises as a serial killer of men seeking sex in the streets, and then love and marriage to a drug-dealing gangster, when she is transformed by the love of a 'real man'. The detective who has been tracking Jean for her father's murder finally locates her, and she shoots him and gases herself in the oven. By the mid 1930s, the popularity of such amalgams of sex and crime began to seriously concern certain sections of the public, as well as Ministers for Customs.

Walford's novel was banned by the Book Censorship Board on 15 July 1935, becoming the first literary book written and set in Australia prohibited for homosexual content. Walford claimed the London *Times* extolled it as 'the best book ever written with a lunatic as a central character'.⁴⁵ The Board remained unimpressed, however. Garran described it as 'crude and repulsive' and Haydon saw 'no redeeming feature'. Allen concurred. Garran condemned its 'so-called psychology' as a 'cheap fake' while Haydon went further and declared, 'it could, I am sure, prove very harmful to a highly impressionable nature', confirming its obscenity for the legal definition.⁴⁶

The novel draws obviously on sexological and psychological accounts of inversion as well as Edward Carpenter's 'third sex' theory. Jean's dominating narrative voice serves unevenly as both sensationalist titillation and a reduced (or 'cheap' and 'fake') attempt at *The Well's* intellectualism. Despite Customs' ban, Hall's novel appears to be Walford's copy text, as Garran suggested: like it, *Twisted Clay's* early chapters show a young woman coming to awareness of herself as a homosexual under the guidance of an intellectual father protecting a daughter from traits he sees in her, while she tries to keep her reading from him. Jean is not a sincere mannish invert, however, but a wholly psychopathic, femme deviant written to thrill.

In *The Well*, it is Krafft-Ebing's work, probably *Psychopathia Sexualis*, that Stephen reads, even though Ellis's theories were more sympathetic than Krafft-Ebing's, and there is no Freud or Jung. In Walford's Sydney, those books are more difficult to obtain, even for the daughter of a wealthy doctor. She can't read them in the pater-connoisseur's library or in the public, but must buy them anonymously and with difficulty. Jean's search is treated with suspicion by libraries and bookshops, while 'painful scrutiny of a catalogue' eventually provides a parcel of works by 'Havelock Ellis, Lombroso, Freud, Stekel, Jung, Brown, Bousfield and others'.⁴⁷ *Psychopathia Sexualis* was considered and released by the Literature Censorship Board in 1937, with J. Rutgers' *The Sexual Life in its Historical Significance*,⁴⁸ but for Jean, it is Ellis in particular who is illuminating: 'I read the night out, only desisting when the rosy shafts of dawn entered my bedroom window. Then I flung Ellis on the floor, and lay thinking. I had absorbed enough to know that I was a Lesbian.'⁴⁹

The circulation of Havelock Ellis's books in Australia is difficult to establish. In December 1945, the LCB considered and passed his *Sex in Relation to Society* in its third reprint, the only record of his work having been seen by the Board. The Board often decided, rather, on restricted release

for sexology books with claims to serious scholarship, including those that discussed homosexuality, distinguishing elite authority from the corrupting dangers presented by popular consumption. Albert Moll's *Perversions of the Sex Instinct: A Study of Sexual Inversion Based on Clinical Data and Official Documents*, published by Julian Press in the US in 1931, for instance, was given restricted release by the Book Censorship Board in August 1936 and not released for general sale in Australia until April 1969.⁵⁰ Others were banned outright by Customs with no referral to the Board at all.

Twisted Clay also shows the influence of American studies such as Katharine Bement Davis's *Factors in the Sex Life of Twenty-two Hundred Women* (1929), which included statistics about the prevalence of lesbianism in the US and found that approximately 29 per cent of women had participated in homosexual physical expression. Walford stretched the statistic significantly:

I reflected that perhaps forty per cent of women were as myself, even if ignorant of the fact. For that assumption I had the irrefutable figures of experts to support me . . . What was —, the wife of a certain Government official? What were —, and —, and —? Only too well did I realise what they were, in the light of my newly acquired knowledge.⁵¹

This assertion of the pervasiveness of lesbianism, as a hidden but everyday practice of seemingly respectable women in Australia, is a feature of *Twisted Clay*'s sensationalism and was clearly offensive for the censors. But it is a reflection of larger debates occurring with real moral import in the UK and US through the 1930s, in the wake of *The Well*'s scandal, where *Twisted Clay* was not banned but rather sold well.

In fact, Jean's reading of 'restricted' sexology and psychology is harmful rather than healthy; it does 'deprave and corrupt' her. Even as she exhibits inherent deviancy in the novel's terms (her desires for women are somehow naturally part of her homicidal pathology), one unhealthy effect of her reading is her insane belief that hormones originate in space and become shooting stars, speeding down to lodge in a baby's breast where they corrupt it into a deviant/homosexual. The novel's apparent condemnation of reading about sex, however, does not defend it from its own charge: Haydon's judgment that reading *Twisted Clay* itself would be 'harmful'.

Twisted Clay is reported to have sold 20,000 copies internationally,⁵²

while it was banned in Australia until September 1959. In the two years between its publication in 1933 and its prohibition in 1935, it did circulate in Australia. Nettie Palmer reviewed it for *All About Books* in September 1934, reporting it had been ‘greatly praised’ in England and exhibiting a literary interest in its portrait of horror and insanity, the thrill of which she saw as mitigated rather than improved by its use of the first person. She found it a ‘curious book’, not offensive nor obscene.⁵³

The Virtuous Courtesan

Jean Devanny’s second banned novel begins at a concert in the Sydney Conservatorium. Louis Ransome is in the audience, ‘[h]is pale, sensitive face . . . enraptured.’ Someone whispers near him, a woman in the row in front. He touches her shoulder and says ‘Madame, please, I beg you.’ She laughs and says to her companion: ‘“My dear, look behind. One of them, you know.”’ The words were quite audible to the boy and to his neighbours. He flushed painfully and drew into himself. Eyes – curious, amused, lewd – bored into his flesh. The violins wailed.’⁵⁴

Louis is listening to a performance by his friend Faith Selsey, a beautiful violinist, whose lover and wealthy patron Rosa Burnham later takes him home in her limousine. He has left early, discomfited by the woman’s comment and the audience’s stares. Faith is slim, golden haired, dressed like a Greek goddess under Rosa’s direction. Rosa has ‘scarlet, voluptuous lips’, a ‘broad low brow’, ‘great brown eyes and powerful nose’. She is a ‘big fleshy woman in crimson velvet and tight little hip-length white coat’; this coded description marks her as Jewish.⁵⁵ The women go home together to Rosa’s flat, ‘in the pretentious Hollywood-like environ of Elizabeth Bay’. There, Rosa takes Faith’s wrap and says:

‘Stand still. I want to admire you.’ She stepped back and gazed at the lovely figure. ‘Yes, Louis was right. A long spray of frangi-panni from there. Hanging so.’ She carelessly let her hand slip down the soft curve of the other’s breast.

‘Don’t paw me, darling. You know I can’t stand being pawed. Yes, I know I’m ungrateful. But I can’t help it. I don’t ask you to be so stupidly good to me. Do I? I can’t imagine why you are. But since you want to be— You’re a dear old thing. I shall always be ungrateful, Rosa. And, I shall always take all you’re prepared to give.’

'No such bloody luck,' cried Rosa, coarsely, tossing the wrap upon a chair.⁵⁶

The Virtuous Courtesan was banned by the BCB as 'pernicious tripe'.

The tenth of Devanny's novels, written quickly in 1933, it was published by the Macaulay Company in New York in 1935. Devanny was later concerned that it was not serious,⁵⁷ while the market for lesbian and gay fiction in the US presented a certain knowing reception for it. Since Boston had already banned *The Butcher Shop*, Macaulay took some risk in releasing it.⁵⁸ The blurring of its receptive contexts troubled Garran: 'I don't know if the authoress is an Australian trying to be American, or an American trying to be Australian.'⁵⁹ Unlike *Twisted Clay*, however, *The Virtuous Courtesan* does not seem to aim to titillate or to sell well.

It is an extraordinary novel in various ways, not only in its frank portrait of bohemian homosexuality in Sydney's inner city, unmatched by other writing of the period. As a social satire of wealthy and artistic Sydney, set against a critique grounded in the experiences of working-class characters, it has sophisticated working-class feminist politics voiced by characters working against stereotype, even as they are cast in the roles of the sex novel (in so far as it was left to Customs officials to define such a genre). With its empathetic portrait of Rosa Burnham, in 1934 a lesbian Jew so concerned by the rise of fascist anti-Semitism in Europe that she leaves Australia to fight against it, *The Virtuous Courtesan* has the most radical sexual politics of all the Australian books banned for obscenity in the 1930s, and indeed challenges many of the books banned from around the world.

In their decision, the BCB were informed by a damning report from Brossois, Devanny's nemesis in the Sydney Customs House, who had already furnished his long report on *The Butcher Shop* in 1929, banned its German translation and referred her author copies of *Poor Swine* as suspiciously indecent. In late 1935, Parcels Post again detained a package addressed to Devanny, this time from Macaulay, and seized the 'so-called author's copies' of *The Virtuous Courtesan* well before any bookshop might have ordered it or a review reached Australia. Describing her as 'the author of several sex-novels', Brossois felt compelled to place married Devanny's authorial 'Miss' in inverted commas. His three-page report is a long list of self-evidently indecent instances from the novel.⁶⁰

Beyond the sympathetic portrayal of male and female homosexual

couples, Brossois objected to the 'sexual exploits' of all the characters, the rest of whom were 'at least orthodox in their sex appetites'. The report cites a reference to cross-dressing at a bohemian party, a seduction scene (in which Sharyn, the courtesan, objects only because 'he did not remember to take precautions' as Brossois reports), contraceptive advice, a description of a regret-free, self-administered abortion, and brothel scenes in which police trade protection for sex. One of *The Virtuous Courtesan's* worst offences was its representation of a long-term relationship between a Catholic priest and a sympathetically portrayed ageing prostitute, while Brossois does not fail to note that Poppy, this older sex worker, 'considers it the depth of infamy to have sex relations with a police officer'.⁶¹

A racy, character-driven book of slim plotting and strong opinions, *The Virtuous Courtesan* attempts pointed social satire, even of literary censorship. A speech from a secondary character called 'Lindwell Norman', 'the famous artist and author', is advertised on the radio. He 'will doubtless be at his best in a short disquisition on the morality of censorship. The admission fee will be one guinea'.⁶² With the banning of *The Virtuous Courtesan*, Devanny equalled Norman Lindsay in having had two of her books banned by Customs – both of hers remaining on the list until 1958. Devanny's portrait of Rosa Burnham shows how their politics contrasted, however, with Lindsay's homophobia and anti-Semitism flavouring his criticism of the importation of American pulp publications from the late 1930s.⁶³

Informed by her experiences with leading European Communist women, and reflecting her long interest in sexology and birth-control advocacy, Devanny's sexual politics were feminist in a way that was provocative for middle-class and even liberal readerships in the 1930s. Her books present a complex fusion of ideology and melodrama, as Communist Devanny tried to earn a living from her writing. Compared to the blowsy, passive femininity and childishness of Lindsay's eroticism, Devanny's talkative, political and sexually assertive characters offered women readers direct, if sometimes overblown, models for sexual satisfaction. Late in her life, after the long-standing ban was lifted in the 1958 review, Devanny approached Australian publisher Horwitz about republishing the novel, which had had no circulation in Australia at all. She offered to change the character of the Catholic priest into a religious school teacher,⁶⁴ but Horwitz, who released paperbacks of *Twisted Clay* in 1960 and Norman Lindsay's *Age of Consent* and Robert Close's *Love Me Sailor* in 1962 (banned from 1946), declined. *The*

Virtuous Courtesan was banned for 23 years, despite Devanny's prominence in anti-censorship protest, and has never been published in Australia.

A psychological fact

Until the end of the 1930s, only two other Australian books with homosexual content were referred to the LCB. Australian expatriate Martin Boyd's slight novel of middle-class British family life, *The Night of the Party* (1938), was released. Haydon's report noted 'the author's obvious dislike for some of the conventions which regulate civilised life' and Allen described it as a 'clever sketch of the artistic nature'; neither mentioned the suspiciously camp son of a main character.⁶⁵

Kenneth Seaforth Mackenzie's exquisite, lyrical, coming-of-age novel, *The Young Desire It* (1937), occasioned a longer report from Allen. Set in a West Australian country boarding school, '[i]t handles a subject in itself unpleasant but one which is within the range of life. Proceeding on Freudian principles the author attempts to show how the sexual suppressions of a lonely man emerge in unnatural desires'. Allen defended it:

The unfortunate master in the story is portrayed as a character rather to be pitied than spurned; but it cannot be said that, for that reason homosexuality is condoned. The attempt, rather, is to understand the episode as a psychological fact. As against this the love-passages between the boy and girl are of extreme beauty, and leave no doubt as to the supremacy of the natural instincts.

The 'episode' is the moment when Mackenzie's lonely schoolmaster, a classically trained Masters graduate from England, attempts physical connection with his favourite pupil – a hand inside the edge of the boy's shorts. Gratefully, Allen was able to defend the novel as sincere and 'refined', with the atmosphere 'of an idealist and a poet'. Haydon felt able to declare 'this is a much better book than its somewhat blatant title would suggest'. Binns concurred, and the Board passed *The Young Desire It* as a novel of literary merit, because the schoolmaster's desires are spurned and the young hero's 'natural instincts' triumph.⁶⁶

Like Henry Handel Richardson's *The Getting of Wisdom* from 1910, novels about same-sex teenage crushes and intense adolescent friendships could trail hints of homosexual desire behind them, all the while disavowing it, and not

be seen to condone or even witness perversion. The portrait of boarding-school paedophilia in *The Young Desire It* was exceptional in the representation of master and school-boy relations as a 'part of life', while never suggesting that male homosexuality was legitimate or even viable as a practice.

Through the 1930s, US and UK writers continued to represent homosexuality as an interesting, even fascinating fictional preoccupation, and as a fact known and recognised by their readers. Numbers of such books, with 'sex perversion' as their main theme, continued to arrive in Australian ports during that decade and the censors continued to silently and efficiently ban them. Customs and the Board would not allow ordinary Australian readers to read content that was more identifiably homosexual, even about the purported dangers or tragedy of homosexuality, until the late 1940s.

Homosexuality had an expanding and gradually more conflicted presence in Australian Customs bans through the 1940s and 1950s, as a fictional theme of psychological identity, as a moral issue of recognition and equality, and as a sexy vehicle for erotic pleasure. Charles Jackson's *The Fall of Valour* (1946) was described by the LCB as a 'psychopathic' study of the homosexual urge that could cause possible, even probable, harm to adolescent or indiscriminate readers with its 'sexy' tone. But in what marks a new position for the Board in 1947, Kenneth Binns urged care in their decision, since if they banned it, 'we may be charged with banning a subject rather than a book'. The Chairman recommended restricted circulation.⁶⁷ Immediately postwar, the Board was confronted by a series of books seeking to treat homosexuality seriously, informed by developing models from psychology and sociology, including the Kinsey Institute's first report, *Sexual Behaviour in the Human Male*, published in 1948. Reading for the nation, the Board witnessed significant shifts in studies from the US and Europe, demanding more psychological and humanist and less moralising approaches towards non-conventional sexual lives and practices.

The Board's responses to this changing climate are revealing. They show a shift towards a new ethic of medicalised recognition, but little willingness to communicate its full implications to the national readership. In this medicalisation, the Board furthered and policed an active pathologisation of homosexual desire, concurring with psychology's assessment of it as a disease that should be cured. By the later 1940s, Australian Customs was banning books that did not portray homosexuality as inherently abnormal, unhealthy and tragic, but passing some of those that did.

French philosopher Jean Paul Sartre's *The Age of Reason* was referred to the Board in 1949. Allen as chairman reported that '[t]he homosexual types are represented as repellent in the extreme. No one could justly claim that Sartre represents perversion or abortion as attractive or commendable' and the book was passed in October.⁶⁸ This parallel with the representation of abortion reveals the morality embedded in the psychology, as well as the definitions of criminality at work.

Fritz Peters' *Finistère* (1951) produced a lengthy discussion on homosexuality as a legitimate primary theme of a novel; this one with a central relationship between a man and a teenage boy, treated by the censors as obscene only for its homosexuality. Three members voted to ban it, but Haydon argued that because the main character suicides, the book was a good salutary lesson and it was passed in August 1951. Three titles from New York publisher Greenburg were forwarded to the Board in August 1953 – Andre Tellier's *Twilight Men* (1948), Nial Kent's *The Divided Path* (1949) and Loren Wahls' *The Invisible Glass* (1950). Discussion ensued with some dissension about accepting the 'fact' of homosexuality, but because of the high level of sex, members especially objected to the idea that the books were written for a homosexual readership: a spectre conjured for the first time. These were not psychological studies but sex books. As well as condoning or even encouraging homosexuality, they would effectively enact it.

Rodney Garland's *Heart in Exile* (1953), in contrast, was a novel with a tragic end and so was passed in 1954. Two members condemned John Cromwell's *A Grain of Sand* (1953) for its 'grossly homosexual bias' and banned it in December. That novel presents a comparison between contemporary America and classical Greece, coming down on the side of Greece's openness about homosexuality. It was criticised as 'ludicrous' and 'extremely bad' by Derek Scales, Haydon's replacement on the Board and Professor of European Languages at Canberra University College, but Binns wanted to pass it.⁶⁹ Even if it was 'unconvincing and badly constructed', it was serious satire for him and modern in its most extreme form. *A Grain of Sand* was 'not a novel for the ordinary reader'.⁷⁰

The City and the Pillar: A homosexualist's defence

Gore Vidal's 1948 novel *The City and the Pillar* is remembered now as 'the first serious American homosexual novel', in which Vidal's own homosexual life was first exposed to readers. In 1948, it was a breakthrough representation of

a conventionally masculine homosexual man, departing from stereotypes of 'abnormal' effeminacy. Acclaimed as a soldier novelist at 21, Vidal wrote *The City and the Pillar* to insist on the 'naturalness' of homosexuality. The *New York Times* refused to take advertising for it and most of the US reviews were hostile, but it became a highly influential portrait of homosexual masculinity in Cold War America, and remains a point of departure for novelists, social commentators and readers around the world.

Australia declared *The City and the Pillar* a prohibited import in 1950 and it remained banned until 1966.⁷¹ This long ban was part of Customs' deliberate strategy to restrict the circulation of homosexual material and now can be seen as an index of Australia's moral conservatism through those decades. Debate about the emergence of gay, lesbian or queer subcultures in Australia in the early 1950s has seen historian Graham Willett argue that, even as parliaments, medical journals, government inquiries and universities were addressing the 'problem' explicitly in increasing volume, equal or greater efforts were being made to suppress discussion in public forums. Federal censorship was certainly a key plank in that effort. Willett argues that the 1950s was 'perhaps the darkest decade of the twentieth century for Australian lesbians and homosexual men'.⁷²

Jim Willard, the self-aware and desirous hero of Vidal's novel, grapples with a life-long attachment to a young male friend in the face of powerfully detailed social opprobrium and repression. The book's original ending, in which he murders his unrequited love, was revised in 1965 to become a rape, as a degree less stereotypical or melodramatic. Vidal rewrote the novel in response to criticisms such as those in Donald Webster Cory's pioneering *The Homosexual in America* (1951), which argued that pathologisation of homosexuality was aided by novelists like Vidal, 'who have ended so many books on this subject in a mood of despair, violence, and even suicide'.⁷³ Cory's book itself was restricted in Australia precisely for opinions such as this, arguing for the rights of homosexual men to happy lives; its UK edition titled *The Homosexual Outlook: A Subjective Approach* was placed on restricted circulation in 1953.

Only two reports were filed on *The City and the Pillar*, from Binns and Allen in May 1950. Binns argued for banning the novel outright. Noting Vidal's standing among American writers, he also noted 'it cannot be regarded as a scientific study, for it is clearly planned to have a wide and popular appeal'.⁷⁴ This last point was important. The novel had already been

through several reprintings in the US and the Board was assessing the second impression of the English edition. The emphasis on obscenity's 'ability to deprave and corrupt' meant Binns was able to argue not that Australians should be able to access a book that 'has a large readership in both countries and would be likely to have the same if allowed into Australia', but the opposite. He went on to assert three general points:

1. That this is a novel likely to have a wide circulation.
2. That the practice of homosexuality is a criminal offence.
3. That suggestion, especially if presented in an attitude of easy tolerance, can play a large part in initiating such practices, especially in the young or sexually unstable.⁷⁵

Binns' second point effectively reminded the Board that Customs censorship should prevent incitement to crime, under Item 14 of the regulations. And his identification of the 'sexually unstable' as particularly vulnerable readers, likely to be converted to the 'unsavoury' practice merely by suggestion, made that categorisation newly explicit, positing a particular constituency in need of protection.

Allen's report was more speculative and reflective, acknowledging that the scientific study of homosexuality could have some legitimacy in Australia. He recommended *The City and the Pillar* be placed on restricted circulation, mixing the new language of medicalised psychology with the older generation's more intolerant categories of deviance and perversion. 'The author has evidently tried to portray the perversion from every angle', observed Allen: 'Although there is some acute writing, some passages read like extracts from text-books of sexual psychology . . . There are also two passages which read like a homosexualist's defence [247, 119–20], and other passages which infer that tone.'

The confidence with which both Allen and Binns condemned a book that meant much to many readers and to American homosexual men in particular is striking, even as confident banning of otherwise popular books was normal for the Board. Allen's report concluded that despite the apparently serious intentions of *The City and the Pillar*, 'its general effect would appeal to prurience'. This, combined with evidence the book would command a large sale in Australia, meant 'the indiscriminate sale of this book is not for public benefit.'⁷⁶

Binns read Allen's recommendation and then supplied an addendum to his own report. Agreeing 'it could have interest and value to doctors and school-masters', he conceded also state libraries should be able to obtain copies, slipping into his librarian role to insist that the book be 'only made available by the Principal Librarian to responsible readers who have a serious social purpose in view'.⁷⁷

The responsible reader, distinguished so particularly by Binns from the 'sexually unstable' reader, the ordinary reader or the minor reader, is a particularly important phantasm conjured by the Board. This was a reader who had a scholarly or professional interest in sexuality, or homosexuality in this case: a psychologist working towards a cure for his patients, perhaps, or a teacher seeking to protect his student from the kind of corrupting instruction depicted in *The Young Desire It*. The reader deemed responsible was never a woman, on whose behalf these male censors read and censored, nor a child, who represented a category of cultural consumers about to come into the foreground in its own right, as a particularly impressionable kind of reader. Rather, he was someone like them: immune to the infectious obscene, able to resist prurience and to control the passions excited by pornography. A singularly rational subject, he was a mature, well-educated, professional, heterosexual man, whose reading had guaranteed his dispassion and whose interest was only ever professional or on others' behalf, like their own. He was the only Australian whose reading could be allowed to broaden without the danger of corruption.

Allen's report on *The City and the Pillar* also contains some speculative discussion about the nature of the *literary* obscene, revealing something of what he saw as its particular ability to corrupt. Distinguishing between serious scholarship and fictionalised psychology, Allen observed that 'pathological facts and cases . . . take another aspect when embodied in a human story. The abstract goes, and the concrete enters, resulting in personal, and often vivid pictures'.⁷⁸ These personal pictures were the novel's danger – its ability to render homosexuality vividly and intimately, in a character personable enough to be identified with. In so far as subjectivity and psychology remained the 'proper' content of a novel, then, it was the affective ability of the literary to implicate these with sexuality that Allen wished to censor.

The LCB recommended *The City and the Pillar* be placed on restricted circulation, but Senator Neil O'Sullivan as Customs Minister in the

Menzies government over-ruled the Board and banned the novel outright. It remained a banned publication through the 1950s and early 1960s, despite reviews of the Customs list in 1958, 1963 and 1965 and was finally released by the LCB in a further review of titles only in 1966. Board member and Professor of German Edwin Koch-Emmery then declared that he had 'never before seen the problem of homosexuality handled with so much tact and common sense . . . I can see no reason why the book was banned in the first place'.⁷⁹

Even stricter ministerial treatment befell Vidal's next novel, *The Judgment of Paris* (1953). It was recommended for full release by the Board, with a report from Binns acknowledging its clever satire, treating homosexuality with either 'subtle irony or Rabelaisian buffoonery so that I found it impossible to regard [it] as indecent either in essence or intention.' Minister O'Sullivan banned it directly, however, in February 1954.⁸⁰

Fairyland

Australian censorship activist and sexuality theorist Dennis Altman recounts the importance of Vidal's work to his own understanding of homosexuality, 'as was true of most of the writings of my generation of gay activists'.⁸¹ This was particularly so for the arguments of Altman's breakthrough work *Homosexual: Oppression and Liberation* (1971), written in the US in the second half of the 1960s, and his assertion that the 1960s came late to Australia can be seen to be vindicated in Customs' treatment of Vidal's novels alone. In 1969, Altman sent a parcel of books to Australia from the US, including a copy of *Myra Breckenridge*, Vidal's latest bestseller. Confiscated by Customs with Sanford Friedman's *Totempole*, Vidal's book served in a test case of obscenity law when Altman took the matter to court.

In 1950, Menzies was in power, his Ministers acted on his direction and Australian morals did not yet encompass Kinsey's vision of a spectrum of sexualities, lived happily and legally. Students of English at university could read *The Well of Loneliness* but its coyly rendered 'perversion' still occasioned the banning of up-to-date novels by notable Australian and international writers. This was a powerful constraint on the expression, production and circulation of homosexual or non-heterosexual content of most kinds. It was as late as August 1954 before Kenneth Binns witnessed a book representing lesbianism without what he regarded as pulp sensationalism. Passing a Danish novel called *The Straggler* by Agnete Holk, he noted: 'this is the first

time, to my knowledge, that a novel dealing seriously with the subject of lesbianism has been submitted to the board'.⁸²

In 1960, the Board's sole woman censor Hope Hewitt reported on Tereska Torrès' *Women's Barracks*, which had been released by paperback publisher Fawcett's Gold Medal imprint in the US in 1950 as the first of the proper 'lesbian pulp' novels. Its success, selling more than two million copies by 1955, launched a genre and a boom in lesbian pulp in the US: a boom that had no demonstrable impact in Australia.⁸³ Hewitt recommended it be released, comparing its treatment of 'bedroom scenes' favourably to those in *Return from Peyton Place*, banned in the same year. A senior lecturer in English at Canberra University College, she declared, with reference to the breakthrough UK Wolfenden report of 1959, which argued for decriminalisation of both homosexuality and prostitution:

It seems to me that the question of Lesbianism is bound to enter into the literary arena soon. *Well of Loneliness* approached the subject in the twenties; Vera Brittain in the thirties. But the intelligent and enlightened discussion of homosexuality laws now going on in Great Britain must bring the related question of women into the fore. It is unlikely that the discussion could be opened by a book more sensitive or restrained than *Women in Barracks* (sic).⁸⁴

Agreeing with Hewitt, the LCB passed Torres' book in 1960, ten years after its release.

In many ways mainstream histories of Australia have taken the effect of censorship's erasure – the absence of homosexual meaning in public life – as a truth reflecting Australian private life. If recognised at all, gay and lesbian identities have been accepted as products of the second half of the century, practised and discussed as forms of social life or sexual practice only as the demands for recognition made by sexual liberation began to have currency in the 1960s.⁸⁵ Gay and lesbian historians have made inroads against this account, examining the instances in which homosexuality was policed as a crime, for example, to offer alternative histories of lives lived outside the proscriptions of law.⁸⁶ The criminalisation of homosexuality for most of Australia's history has been a legal guarantee, nevertheless, of a resolutely heterosexual national story, in which queer or non-heteronormative forms of sexual or cultural expression have had only a minor presence, if it all. As

Ruth Ford argues, 'the law waged its violence against lesbianism by excluding it from discourse itself'.⁸⁷

Censorship mediated the connections between sexual desire and sexual identity, and not merely in so far as representations became understood by a national readership or audience. Censorship mediated the very possibilities through which sexuality could be imagined, and thus practised. It defined sexual morality – the notion of a shared ethics of bodily engagement – and attempted to enforce the representation of that morality as a national ideal.

In his fictionalised autobiography, ironically titled *Fairyland*, the expatriate Australian writer Sumner Locke Elliott described Sydney in the 1940s. Coming of age postwar, with a successful job as a writer for children's radio, Elliott's protagonist can hardly articulate what it is about himself that doesn't fit the society around him. He knows he has to leave, however, when he meets an American man who seems to understand him. And in the late 1940s, on the cusp of a new decade, he boards a plane to the US, looking for a country in which his unspoken sexuality might be plainly said.

Elliott's book doesn't tell the other story that consumed its author in the 1940s. He was also a banned playwright, author of *Rusty Bugles*, a play banned in 1948 by the NSW Chief Minister for its blasphemous and indecent dialogue. About returned soldiers, all heartily heterosexual, its offence was obscene language and it shared this offence with other pieces of Australian writing whose bannings made headlines in almost every postwar year of the 1940s. While homosexuality continued to be quietly prohibited, as it would continue to be without vocal protest until the 1960s, home-grown rude books about straight men were causing national scandals.

Bastards from the bush

*'Would you dong a bloody copper if you caught the cunt alone?
Would you stoush a swell or Chinky? Split his garret with a stone?
Would you knock him down and kick him?' asked the captain of the Push.
'I'd knock him down and fuck him,' said the bastard from the bush.
'And would you have a moll to keep you and swear off work for good?'
And the bastard from the bush replied, 'My fucking oath I would!'*
Anonymous, 'The Bastard from the Bush', 1892

In April 1946, Angus & Robertson became the first Australian publishers of fiction to be convicted of obscenity. Journalist and writer Lawson Glassop's novel *We were the Rats* was prosecuted under the NSW *Obscene Publications Act* for including stanzas from 'The Bastard from the Bush', among other rude content. One of Australia's most *outré* popular ballads, the anonymously penned poem has had an oral life since the nineteenth century. It was first published in the *Bulletin* in 1892 – without legal action – in a bowdlerised version by Henry Lawson. About the infamous Rocks Push, from Sydney's Rocks district, the ballad consists of up to eleven stanzas of rhyming challenges from the captain of the Push to Foreskin Fred, the bastard, a new recruit to the gang.¹

The stanzas gain in intensity in their use of offensive language, racist insults and descriptions of sexual and criminal violence, as the bastard proves again and again to be more of a roughhouse larrikin than any urban crim. The stanzas above are not the most provocative but nevertheless were watered down for Glassop's novel:

'If ya had a harlot to support ya
Would ya give up work for good?'

And the bastard from the bush replied
'My —— oath I would.'

'Would ya knock a man down an' rob him?'
Asked the leader of the push.
'T'd knock him down an' —— him,'
Said the bastard from the bush.²

When the redacted stanzas were read aloud in court, the testifying policeman, Sergeant Munro, agreed with the defence in finding that there was nothing to which offence could be taken. 'I marked that for some reason,' Munro admitted, 'but I can't see anything to complain about in it.' In his address, Wilfred Dovey K.C., acting for Angus & Robertson, took care to remind the court that 'bloody', '[t]he "great Australian adjective" to which exception is taken, is used extensively on the screen and stage'. The magistrate, Farrington, disagreed. Identifying other parts of the novel too, Farrington declared *We were the Rats* obscene.³

Something about what 'The Bastard from the Bush' represents – a hidden, obscene part of the bush tradition; a comic rendition of the popular fear of inner-city gangs, like those depicted in Louis Stone's novel *Jonah* from 1911; or a darkly jocular encoding of escalating sexualised violence – was at stake in the banning of *We were the Rats*. The work presents a side of the Australian legend, extrapolated from the *Bulletin* school's bushman to the digger to the 'rats' of Tobruk, that readers were not encouraged to be familiar with in the mid-twentieth century. 'The Bastard from the Bush' is a version with a much more dangerous sexuality – a rapacious and threatening masculinity expressed in sexual violence and racist abuse towards men, women and children, its failure to discriminate a feature of its excess. It is also enthusiastically and elaborately vulgar, enjoying its deliberate offence against respectability. The poem ends with a curse from the captain who wishes the bastard would finally 'slip back through your arsehole, and break your fucking neck'.

'The Bastard' serves as a reminder of the enduring offensiveness of certain forms of sexualised meaning, even if they have passed into history as only half-remembered transgressions of the better-remembered norm. While some instances and versions of obscenity become 'stuck to an age, a place or type of practice', as Michel Foucault notes, and appear quaint and

even non-sexual to later ages, other forms, perhaps particularly ‘vulgar’ or violent obscenity, retain their ability to offend across time.⁴ This longevity may reflect class-based access to the making of history, since elite forms of obscenity in expensive limited editions have a better chance to make it into enduring circulation than oral forms which are not committed to paper.

What is particularly interesting about ‘The Bastard from the Bush’ is the way in which it brings together the conventional codes of Australian cultural nationalism – located in the repeated contest between rural and urban, Sydney or the bush – with obscenity. It reverses the usual way in which obscenity has been identified in Australia, as an imported problem, something against which Customs powers should be invoked and national borders policed. Rather than definitively unAustralian, foreign, international, borderless and placeless, perhaps treasonous, obscenity in ‘The Bastard’ is assertively Australian, even defiantly so. Attached to the mythic bushman, rather than the corrupt urban larrikin, the obscenity in its stanzas becomes a means by which the debate about national character, that enduring obsession of settler Australia, is at once enacted and satirised.

We were the Rats was initially received in 1944 as the best representation of the brutal episode that was the siege of Tobruk, as seen through the eyes of a young, sexually adventurous soldier serving with his battalion. It sold a very healthy 11,000 copies in the seventeen months it circulated before being prosecuted, with particularly good reception from the returned servicemen’s organisations.⁵ In a piece of almost orchestrated irony, it faced court on 24 April 1946, the day before ANZAC day, allowing the press to report its banning on the same pages as photographs of the dawn service.⁶

Angus & Robertson appealed the conviction two months later. In his judgment on the book’s obscenity, Justice Studdert concluded with a call for moral censorship: ‘I have borne in mind the life of a soldier in Tobruk for which I imagine no-one could get a better picture than from the book itself . . . but it seems to me that not everything a man says or does can be the subject of publication to the general public.’⁷

Real the picture may have been and members of the AIF may indeed have often recited ‘The Bastard from the Bush’, but this was irrelevant for Studdert.⁸ Realism should not be the aim of representation. Publication for the general public called for restraint, particularly around men’s affairs, since some (unnamed) things that ‘a man says or does’ should remain beyond its knowledge. These sayings or doings in *We were the Rats* were swear words

or sexual expletives, having sex with prostitutes and reading sexually explicit material. They were heterosexual, masculine forms of popular, working-class or 'vulgar' activity and speech, which in 1946 were features of a particular, gendered conflict between culture and power, and, arguably, a developing postwar claim to Australian identity. Local publications not under Customs' control were subject to high-profile, even scandalous, police prosecutions in state courts around the country. Their obscenity is what is at stake in this chapter.

Australian obscenity on trial

The first of the postwar censorship trials was a High Court case in April 1944, before the end of the war, in which Australian newspapers, led by Sydney's *Daily Telegraph*, successfully contested wartime political censorship from the Department of Information under the National Security Regulations.⁹ Frank Packer as director of Australian Consolidated Press and the editors of the *Daily Telegraph* and the *Sunday Telegraph* facilitated the action by publishing blank columns, exposing censorship of news reporting. Brian Penton, editor of the *Daily Telegraph* and a former Lindsay associate and long-term anti-censorship campaigner, declared it 'the first shot against a blanket rule forbidding newspapers to indicate that censorship had occurred'.¹⁰

Thus began a sequence of prosecutions and legal contests that saw various censorship powers fully tested in the courts for the first time. September 1944 saw the prosecution of *Angry Penguins* magazine, publisher of 'Ern Malley', Australia's most infamous poetry hoax, and the editors Max Harris and John Reed convicted of obscenity under Section 108 of South Australia's *Police Offences Act*. The *We were the Rats* trial was held in April 1946. Three Adelaide booksellers were prosecuted for selling Robert Close's novel *Love Me Sailor* in the same month, while the author and his publisher were convicted of obscene libel after three Victorian trials from March to June 1948. Sumner Locke Eliot's play *Rusty Bugles* had the police enforcing the NSW *Theatres and Public Halls Act* in October 1948. The decade ended with the sensational court case in Victoria against Communist Frank Hardy for the imputed libel in *Power Without Glory*, an Australian manifestation of a cultural McCarthyism, brought to a head by the jury's refusal to convict Hardy. The stand-off between left and right would continue for at least the next decade.

While these men stood up in court, some of Australia's most significant

women writers had their novels censored or banned without the chance for appeal. *Tomorrow and Tomorrow and Tomorrow*, a futuristic, political novel by the writing team of M. Barnard Eldershaw (Marjorie Barnard and Flora Eldershaw), had a long section forwarded by its anxious publisher Georgian House to the Department of Information before publication. References to 'the censor' proved to be a target, cut as sensitive wartime information by the Department in 1944. Later to publish the shocking *Love Me Sailor*, Georgian House also significantly shortened Barnard Eldershaw's novel on more directly literary grounds, changing its title to *Tomorrow and Tomorrow*, before releasing it three years later.¹¹ Barnard in particular was attempting to explore ideas about the political function of the novel – wartime censorship and paper shortages had stymied her attempt to explore similar ideas in a pamphlet in 1940.¹²

In the late 1940s, Dymphna Cusack and Florence James saw their sprawling homefront novel *Come in Spinner* markedly abridged on sexual grounds, perhaps related to its depiction of US soldiers in Australia. Ironically this was done by Brian Penton and the *Daily Telegraph*, which had awarded the novel first prize in its new competition. Discussions broke down between the authors and publisher over the cuts and the still much shortened book was instead released by William Heinemann in 1951, four years later, to become an international bestseller.¹³ In 1947, Christina Stead's novel *Letty Fox* was banned outright as obscene by the Literature Censorship Board, the author's internationally respected status no defence.¹⁴ None of these acts of regulatory or publisher's censorship attracted press protests except the banning of the expatriate Stead's satirical book, which Australian newspapers reported as somewhat justifiable.¹⁵ What could one expect of a novel about New York?

A postwar boom in the domestic publishing industry in strength, volume and public profile led to the production of Australian material that challenged definitions of obscenity and literariness.¹⁶ After the newspapers's 1944 High Court action caused the Department of Information's powers to be revoked, state obscenity laws came into action, since Customs censorship could not ban such works from the country. It is possible to suggest that a modern Australian 'culture of censorship' was not effectively brought to trial until these cases, despite the controversies that had erupted in sporadic bursts through earlier decades. No Australian literary publisher or writer before had been subjected to a public trial with the purported offence of a

literary book centrally at issue, in which defence and prosecution argue the case and a judgment is reported in the press. The 'show trials' of the 1940s were a definitive feature of its culture wars,¹⁷ and provoked in a developing publishing industry and literary culture both fear and defiance.

Fake obscenity: Ern Malley

... you shall rest snug tonight and know what I mean.

'Boult to Marina', Ern Malley

In late 1943, young poets James McAuley and Harold Stewart famously sat down to create another young poet. 'Ern Malley' was different from them: he was working-class, dead and a modernist. McAuley and Stewart sent a collection of Malley's poetry, made from materials they had to hand with additions from their own classical repertoires, as well as a spiking of tell-tale jokes, to Adelaide literary editor Max Harris. This was prefaced by a letter from a fictional sister, Ethel, recounting her discovery of Ern's poems upon his death. Harris was deeply impressed by the poems, and published them in *Angry Penguins*, the avant-garde internationalist art magazine edited by himself and John Reed. The hoax was exposed in June 1944 in Sydney's *Daily Telegraph*.

Devised to expose modernist poetry as meaningless and easy, the hoaxers had sought merely to embarrass Harris and to undertake what they termed in their public statement 'a serious literary experiment' to debunk the modernist aesthetic.¹⁸ They had not reckoned, however, on the forces of the law. On 1 August 1944, Detective J. A. Vogelesang visited Max Harris in his office and charged him with publishing an immoral or indecent publication under the South Australian *Police Offences Act*.

The Ern Malley affair is firstly remembered as a public fight about modernism, often mentioned alongside the contemporaneous controversy about the awarding of the Archibald prize for portraiture to William Dobell's thickly expressionist portrait of Joshua Smith. It is also retrospectively understood as a moment of high irony, in which two belligerent poets dubbed conservative and traditionalist created a hoax poet who has outlived them, and whose poetry is more often anthologised than their own.¹⁹ The successful prosecution of Harris for obscenity is often understood as a mere addendum to the hoax, just another humiliation in a process in which for

Harris, as Michael Heyward suggests, ‘when things go wrong they all go wrong’.²⁰

But the charges against Harris were also personally and politically motivated, who was then being sued for libel by a solicitor and amateur actor whose performance he had criticised and who retained South Australia’s Attorney General as legal counsel. Harris’s outspoken advocacy of ‘radical art’ made him a vulnerable target for members of the Adelaide establishment.²¹ Critic Patrick Buckridge argues that ‘in that sense the affair and its legal consequences were a key moment in the translation of popular philistinism into repressive state power’.²²

The trial is remembered as a contest between a well-intentioned, effeminate, trounced modernism represented by Harris, and the blustering, bullying, state-sponsored philistinism personified in the testifying Vogelesang, who confessed that his ‘experience as a police officer might under certain circumstances tinge my appreciation of literature’.²³ Heyward’s blow-by-blow account of the exchanges of the trial explores some of the many ironies at play in the case and the hoax, but literary critic Philip Mead notices that Heyward is ‘relatively uninterested’ in what the hoax and the trial together might broadly *mean*.²⁴

Mead asserts the trial was ‘an attempt by the state to censor the unreason (surrealism) of modernist discourse’ and that what was on trial was not obscenity as such, but poetry. He suggests that the use of the *Act*’s description of ‘indecent advertisements’ as ‘printed matter of an indecent, immoral or obscene nature’ to prosecute the poetry was a pretext for a trial that was ‘really about obscurity’.²⁵ Malley’s obscurity was twofold – while it was intentionally unreadable nonsense in the first place, a hoaxed, contentless fake, not poetry at all, still that poetry’s double entendres (‘know what I mean’), posy image conundrums and gloomy, poignant, wondering voice made it highly suggestive as well as offensively impenetrable to prosecutor Clark and Vogelesang. And this obscurity or unreadability was far from irrelevant to the charges of indecency. The prosecution charged that the poetry was at once rude and seeking to cover that rudeness in ‘twaddle’ and ‘meaningless nonsense’, making thus rude nonsense. It was the obscurity of the obscenity that was perhaps most affronting for these literal readers, seeking definitive offence.

The direction of the charges, labelling the poems ‘indecent advertisements’, arose from the role of state legislation in controlling the

circulation of birth-control advertising, in South Australia under its *Police Offences Act* dating from 1897. The definition of obscenity used by the *Police Act* was derived from the British *Vagrancy Act* and appears as self-evident, or *prima facie*, rather than resting in Lord Cockburn's *R. vs. Hicklin* ruling on its 'tendency to deprave or corrupt'. In fact, indecency was the primary offence, rather than obscenity. Indecency was not defined by the *Act*, though, but merely equated with obscenity and immorality, which were also left undefined. This blurring between obscenity and indecency 'became central to the Crown's case', argues Heyward.²⁶ Detailed discussion of whether certain of Malley's words and images were indecent but not obscene, or immoral but not indecent, was a feature of the prosecution's extended cross-examinations of both Harris and Vogelesang. Further, literary merit was no defence under the *Act*. This troubled Clarke, the magistrate, before he declared the issue of *Angry Penguins* to have insufficient claim to art or merit in any case.²⁷

The historian and literary scholar Dominick LaCapra argues that in an obscenity trial a text challenges the adequacy of its literary frame.²⁸ That is, a text challenges exactly *how* it has come to be understood, just by having been brought to trial. By being charged with offence, its meaning can no longer be confined to its purported function as literature, and because of this, obscenity trials never appear to be about the obscenity of the text primarily. The direction of the charge slips onto a book's other functions; its politics, the persona of its author, its cultural or ideological *work*. Even the influential trial of *Madame Bovary* was regarded as 'random or misdirected', Flaubert arguing that the real target was not his novel but the journal *Revue*.²⁹

The Malley poetry was a far from stable legal object. Even as the poetry was fake, its meaning absent or unreal, that meaning was urgently wished for by Harris and his defence team as well as his prosecutors, and thus brought into life. In their pre-trial statement, Harris and Reed, co-editors of *Angry Penguins*, provided line-by-line readings of the offensive poems, explaining their sources and offering definitive accounts of each. The imputed obscenity was favourably compared to classical and literary texts 'from the Chinese texts of 2000 BC to 1944 and a reading of almost any poet in the English language'. 'Current vaudeville' was even instanced as a source of much ruder meaning: 'A man is dressed in woman's clothing and a member of the audience is invited to undress the man in woman's clothing. The man is undressed and while the process is going on he declares, "I hope you're not a rear gunner."' ³⁰

The prosecution also provided careful readings of the poems. Vogelesang and the prosecutor D. C. Williams went to lengths to assertively ascribe 'immoral' meaning, sometimes as a poem's only point. Harris himself was then required to 'construe' the poems in the courtroom and did so for three days.³¹ Standing in for the offending author who didn't exist, Harris insisted on the poetry's coherence and substance, and explicated its serious art in detail. As its publisher and a modernist himself, he could not declare 'There is no meaning! How can it be obscene?', even as a legal defence.

Effectively, Malley's poems *do* have meaning, which circulated, confounded, offended, *meant* and yet belonged to nobody. (The copyright for the Malley poems has also been a legal issue, claimed initially by Harris who issued the first book of Malley poems after the hoax's exposure, while subsequently reclaimed by the estates of McAuley and Stewart.) The question of whether that meaning was obscene, even or perhaps in so far as it did not exist, is the expansive conundrum at the heart of the *Angry Penguins* trial.

While the Malley poems formed the central offensive text of the trial, writing from four other authors in that issue of *Angry Penguins* was also accused of obscenity, by Dal Stevens, Peter Cowan, Laurence Collinson and Max Harris himself (while 'Messrs. McAuley and Stewart found that they had been guilty of being offensive to Australian canons of decency as well as hoaxing the Penguins editors', declared Harris afterwards).³² Victorian Stevens' racy short story titled 'You Call Me By My Proper Name' presented a combination of pulp *noir* elements, including a heroine with a Veronica Lake haircut, casual sex and sensational violence, and a liberal dose of swearing, including the word 'bloody'. One line had already been excised from a version of the popular ballad 'Sammy Hall', recited by one of the characters.

With its concluding hint of brother/sister incest, the West Australian Cowan had his modest, bush realist story 'The Fence' declared 'indecent', though it was later published in his collection *Drift* to international praise.³³ Vogelesang tellingly testified that the word 'incestuous' in Malley's 'Egyptian Register' was indecent, adding, 'I don't know what "incestuous" means . . . I think there is a suggestion of indecency about it'.³⁴ And eighteen year-old Collinson, a new Queensland writer and editor of the *Barjai* journal from the bohemian modernist Brisbane group, published a poem titled 'Myself

and the New Year, 1944'. Its description of an abortion ('from a mother's womb a child is scraped away'), which is not condemned ('we do not consider you wicked . . . we are for you'), was an explicit affront to Vogelesang: 'I wouldn't object if someone had said, "Mrs Brown had a curette". If you said in the street, "Mrs Brown had her womb scraped", I would regard that as immoral'.³⁵

Several poems by Harris himself were condemned. The offending issue of *Angry Penguins* is full of Harris's voice – his expostulating enthusiasm for the new 'great poet' now edged with a touch of bathos. It includes Harris's introduction to the Malley poems, his poetic response, other examples of his own, often long poetry, as well as mixed reviews of his novel, *The Vegetative Eye*, to each of which Harris also responded. Some of his poems are obvious targets for an overly enthusiastic prosecutor. One, called 'I have never spoken of your nakedness', is confessional and intimate, with an echo of Malley (as Malley echoed and mocked Harris) in its inapposite word choices and mixed registers:

your body wound out in our uneven dark
is measure for the circle round our love
is revelatory of arcs like thumbs in time
that bring decision and our loins together.

Here 'loins' is another affront for Vogelesang, testifying that 'I object to any description of any female parts in poems'.³⁶

Another poem is an extraordinary blend of high-brow erotica and bush nationalist imagery, titled 'The Little Death'. It has a preposterous central conceit, hinted at and veiled, of a young Aboriginal woman being bitten by a snake on her groin and dying in an ecstasy of sexual excitement.

The snake that dwelt on the young girl's loins
sleered off with a human cry
for the pubic dust was now aureate fire
on burning earth, in aching sky.

The bathos haunting Harris's voice in the magazine comes to the fore in the botched publication of this poem, in which the correct word 'pubic' was replaced with 'public', and Harris had to insert an addendum.

The admixture of coyness, hyperbolic emotives and obfuscatory yet ham-fisted poetics at work in these poems seems a perverse, yet appropriate echo of the admixture of indecency sought (and constructed) by Clarke and Vogelesang in the courtroom. Their reasoning was that this ‘public’ interest in the ‘pubic’ extended from Harris’s work as writer to his work as publisher. Clarke’s literary judgement was that ‘the defendant would seem to derive most of his poetic inspiration, if it can be called such, from sex’.³⁷ ‘I do not consider [your nakedness] private, my possession,’ wrote Harris, in ‘I have never spoken of your nakedness.’

Finally Clarke found no item in the magazine obscene but two indecent: Harris’s own poems and Cowan’s ‘The Fence’. Under his highly literal reading of the *Act*, that meant a conviction. Clarke noted that ‘words can . . . be indecent without being likely to deprave or corrupt’: even the Hicklin ruling was more liberal.³⁸ Harris was fined five pounds and ordered to pay twenty-one pounds and eleven shillings in costs. He threatened to appeal to the High Court, but advice from a leading Adelaide KC was that since the *Police Act* made no allowance for literary merit, ‘it was arguable that a case could be brought against Shakespeare in South Australia and succeed’. Since some of the hoaxed Malley poetry paraphrased and pastiched Shakespeare, including the offending ‘boul’t-upright’ in ‘Boul’t to Marina’, from the minor contested play *Pericles*, this was less of an exaggeration than it may seem.³⁹

The Ern Malley trial had somewhat faded from the memories of the newspapers by the time *We were the Rats* was making headlines a year and a half later. Harris then published a bitter editorial in the *Angry Penguins Broadsheet* in May 1946, titled ‘Crocodile Tears for Glassop’, reminding the ‘outraged’ Sydney literary establishment of what had happened in Adelaide, and that loud protests and organised action had been needed there in 1944. He emphasised that not only the hoax poetry had been charged with indecency: ‘[A] representative group of serious and reputable creative writers were under attack, and . . . issues of creative freedom were at stake for every writer, whether he lived in Whoop Whoop or Sydney.’⁴⁰

The question of the magazine’s offence – whether it was its obscene modernism that offended, or its obscure poetry, or the obscurity of the obscenity and vice versa – remains clouded if the focus is too exclusively on the Malley poems, to which obscenity had to be so belligerently imputed, and in the end unsuccessfully. The presence of sexualised meaning in the

magazine was attached to its modernism in some instances, but not in the stories of Stivens and Cowan. It was their realism that was fundamentally at issue, and this connects the *Angry Penguins* case with the cases that followed it in the NSW and Victorian courts.

Harris's case has strong connections to Close's as well as Glassop's: Detective Vogelesang was himself active in bringing *Love Me Sailor* to the attention of Victorian police, perhaps buoyed by his success against Harris. And the abiding suspicion evidenced by the judge and prosecution in the *Angry Penguins* case can be sourced not only in local Adelaide feuds or in resistance to the modernist pretensions of the poetry, but in broader social tensions about postwar sexual mores. The impossible literalism of the Adelaide prosecution, requiring the literary at once to be truthful or authentic and also to refrain from excessive realism about sex, would be repeated in courts and even parliaments across the country.

We were the Rats

The exchanges between the defence and the police as witnesses in the 1946 trial of *We were the Rats* are oft cited as compelling evidence of the cultural philistinism of Australian law enforcers. Detective-Sergeant Roy Edward Munro of the Vice Squad took the stand for the prosecution. Holding a copy of the book in his hand, he declared five passages offensive to 'delicacy and chastity'. Cross-examined by Dovey for Angus & Robertson, who was known for sporting a monocle and a Shakespearean vocabulary, Munro was asked if he understood the meaning of the word pornographic. He said: 'I can't say what it is. I think it is a poor type or class of literature'. He had 'heard of Shaw,' and Noel Coward's film 'In Which We Serve', recorded the *Daily Telegraph*, but did not know if either used the word 'bloody'.

Have you ever heard of Chaucer? — No.

Never met him while in the Vice Squad? — No.

Have you ever heard of Byron? — No.

He was a lord. — Yes, I've heard of him.

Do you know if he was on Lord Louis Mountbatten's staff? — I don't know.

Have you heard of Shelley? — I know a man named Shelley, but I take it you refer to an author or something.

Sergeant Munro's evidence has remained exemplary of the ignorant brutality of Australian censorship for many cultural critics.⁴¹ In a sarcastic editorial for the *Angry Penguins Broadsheet* in May 1946, Harris described Sergeant Munro's evidence as outdistancing even 'the erudition of the beloved Detective Vogelesang . . . A wonderful figure has come forth about whom lectures will be given to goggle-eyed students in fifty years' time, and whose evidence we shall recount as bearded old men nodding by the fire'.⁴²

The acting NSW president of the Returned Services League declared to the *Herald* that the decision against *We were the Rats* was 'the height of absurdity', since its obscenity just reflected its truthfulness. 'It would lose all realism if it were pruned to conform to schoolgirl standards.' He went on to defend the claims of Australian literature to full expression, against the tenor of Studdert's later judgment on appeal, warning, 'if this attitude is maintained or extended, much of the colour of our glorious war history will be lost to Australian literature'.⁴³ Interviewed by the *Herald*, Glassop reported he had had 'thirty strangers' write to him approving the book, including a letter from the American war writer John Dos Passos (author of the still banned *Nineteen Nineteen*, released only in 1958).⁴⁴

We were the Rats flaunted its realism in a foreword by Norman Lindsay. 'We have had many brilliant enough sketches of the Digger in action; this is his full length portrait, and painted life size, too.' Lindsay approved of Glassop's central character, who was 'youth – with all its urges and discontents over girls, booze and sport and the nagging desire to find some concrete statement of self in life and art – suddenly disrupted by the war'.⁴⁵ And in reports on the banning, the *Herald* quoted its own review by literary scholar R. G. Howarth, who had pronounced the novel a 'good, tough version full of ruddy verbiage and the slang of the hour, of the men's side of the story . . . it will keep vivid and alive the suffering and glory of that incredible siege'.⁴⁶

We were the Rats was prosecuted by NSW Chief Secretary Baddeley after it was referred to him by Commonwealth authorities and after a report from the State Crown Solicitor to his department. Glassop recounted:

I understand that the Prime Minister, Mr Chifley, was asked by a Tasmanian religious organisation to ban the book. I believe he passed it over to the Minister for Customs, Senator Keane, who said he thought it should be banned and gave it to his officers to read. I

believe he then intended to send it to the NSW Chief Secretary, Mr. Baddeley, with a recommendation that he should ban it.⁴⁷

Glassop later added that the complaint had actually come from the Women's Non-Party League in Tasmania, 'which had an average attendance of 10 at its meetings'.⁴⁸

The book was brought to trial under state law because federal censorship powers under Customs did not apply. The case instances different censorship regimes working together across jurisdictions to remove books that offended in one part of the country while subject to the laws of a different part. What is exceptional about the *We were the Rats* case is not only that a patriotic portrait of one of Australia's most glorified war sieges was banned when it was, nor that it exposed the limited cultural literacy of the police. It is that this book was banned in the very months that NSW, the prosecuting state, was enacting legislation that would have rendered its subsequent conviction much more difficult.

The day after the verdict against Angus & Robertson, Baddeley declared, 'I have sought to follow a tolerant and liberal policy in respect of books, plays and films, and not to impede cultural progress. In fact, I have been the first Chief Secretary to liberalise the provisions of the [NSW] Act as they relate to literary effort and artistic endeavour.' He was referring to a new clause in the NSW *Obscene Publications Act*, introducing the defence of literary merit for the first time, legislating what had not been codified in the federal work of the LCB: 'the effect of this will be to require police and the judiciary to give full consideration to literary and artistic merit in dealing with any cases of alleged obscenity which come before them'.⁴⁹

It was a complex moment in NSW censorship history. Literary merit was introduced in a breakthrough, liberalising impulse, making it available as a defence in NSW much earlier than it was in the UK or the US. In the same bill, however, the long-standing prohibition against the advertisement of contraceptives was finally legislated for, and restrictions on media reporting of divorce proceedings and other private, sexual matters were enacted despite some protest. This was well after the prosecution of Max Harris and soon after the case against the booksellers of *Love Me Sailor* in South Australia. The 1946 *Act* evinces some of the complicated, strategic ways in which state legislation varied across borders, while federal censorship was glimpsing the limits of its powers over domestic publications. The bill's passage in May

1946 was too late for Angus & Robertson, however, whose appeal under the old law failed in June.

The great Australian adjective

Buckridge argues that a ‘focus on the obscene or blasphemous expletive is an oddly recurrent feature of post-war prohibitions and prosecutions’, citing the cases of *We were the Rats*, *Love Me Sailor* and *Rusty Bugles*.⁵⁰ One of the most offensive was the word ‘bloody’: an expletive the newspapers and barristers were calling the ‘great Australian adjective’ and which was appearing on literary pages for the first time. W. T. Goodge’s popular poem ‘The Great Australian Adjective’ was first published in the *Bulletin* in 1898, under the title ‘____!’. Similarly, Joseph Furphy’s classic novel *Such is Life* from 1903 used an elaborate code for the substitution of expletives, in which ‘sanguine’ stands in for bloody and ‘adjective’ for fuck and fucking. C. J. Dennis continued the joke in his ‘Austral-aise’, first published in 1908 and revised for World War I with the chorus:

Get a ____ move on,
Have some ____ sense
Learn the ____ art of
Self de- ____ -fence.

The footnote to the 1915 issue read: ‘Where a dash (____) replaces the missing word, the adjective “blessed!” may be interpolated. In cases demanding great emphasis, the use of the word “blooming” is permissible. However, any other word may be used that suggests itself as suitable.’⁵¹

In the 1940s, that vacant dash began to reveal its profane content. In *We were the Rats*, ‘The Bastard from the Bush’ is used to introduce the ‘hokey’ bush character Jim Mills, as ‘the original bastard from the bush. You know the poem’.⁵² Sergeant Munro from the NSW vice squad objected to ‘bloody’ and ‘bugger’ as well as this use of ‘bastard’. Bastard and bloody also offended in *Rusty Bugles*, while soldiers calling each other ‘cunts’ was really quite a step even for the theatre. In a notice of its first performance at the Independent Theatre, the *Sun* declared its ‘troop-type language . . . unladylike, but beautifully lusty, and one hundred per cent Orstrylian’.⁵³

One reason for this recurrence is the new currency given to the apparently unvarnished speech of soldiers after the war, as demobbed battalions came

home and exhibited their wartime experiences. Similar censorship had occurred of expletives and swearing in books about World War I battlefields, in contexts not restricted to Australia, like the censorship of Manning's 'fine fuckin' mob' of soldiers from *The Middle Parts of Fortune*, while swear words were viewed as indices of obscenity by Customs for much of the mid-century.⁵⁴ John Steinbeck's *In Dubious Battle* from 1936 was one of the few novels referred to the LCB during World War II and Customs officers noted its use of the word 'fucking'. The Board agreed with Binns, however, that 'the adjective, while offensive, has stylistic justification in that it heightens the dramatic realism of the incident,' and passed the book in September 1940.⁵⁵

Discussing obscene language in her introduction to *The Invention of Pornography*, Lynn Hunt outlines the offensive effect of expletives, profanities and sexualised swearing in the history of literary obscenity:

The obscene word played on the contrast between different social registers of language – crude and elegant, lower and upper class, masculine and feminine – in order to achieve its effect. To enact social transgression and a kind of hyperrealism, obscene language fetishizes certain words related to sex; the obscene word substitutes for the body part in question but, in the process, acquires the status of a fetish.⁵⁶

Glassop's *We were the Rats* includes a tongue-in-cheek report from its hero on the vocabulary of an Indian sex worker, whose body is described in voluptuous detail. Her use of 'cunt' is hinted at, in a (lame) joke about taboo language that at once refuses to say the word and yet fetishises it: 'She used the first Indian word we had heard on the ship, a word that has many counterparts in English, none of which is in any dictionary. Later we were surprised to find the same word in Palestine, Egypt and Syria.'⁵⁷

Cunt was referred to by censor Hope Hewitt in the mid-1960s as 'the Lawrentian word' and is still taboo in many kinds of publications. No Australian novel had been able to use the word fucking before 1946, either, when Robert Close's *Love Me Sailor* set out to use the word 'rutting' as a meaningful euphemism. It was a doomed attempt on Close's part, as Glassop's experience should perhaps have warned him. What is interesting in the controversy about expletives in the three cases is their reception as vernacular Australianisms, as national speech, especially when counterpoised with the word cunt's international circulation in Glassop's text.

In the *We were the Rats* case, both Farrington and the appeal magistrate Justice Studdert also objected expressly to two particular pages as ‘decidedly obscene’. These give a comic sketch of a group of AIF men, stranded in a Tobruk cave, reading aloud some ‘pervy’ parts from the American pulp magazine *Saucy Stories*.

‘Shut up and listen to this,’ said Gordon. “His eyes slowly descended to her alluring bosom, where two plump jutting hillocks” – whacko! – “pushed proudly and stiffly forward beneath her grey dress. He shut his eyes for an instant, trying to blot out the sight of those tempting mounds. He opened them again – they were still there to tempt him, to tease his eager hands with their prominent erectness”.’

‘Don’t,’ said Jim. ‘You’re killing me. I can’t stand it. I was all right until ya started this. Never thought about sheilas.’

‘Christ, break it down, will ya?’ said Eddie. ‘I’m just rememberin’ I’m still a man.’⁵⁸

The comedy is in the men’s reactions, but in a literal interpretation of the workings of literary realism, Justice Studdert declared these above all to be proof of obscenity:

If one considers these pages in the light of the test of obscenity already given it seems to me to be impossible to escape the conclusion that they contain obscene matter. They are accepted as such by the men concerned and, apparently, the author himself. The reactions of at least two members of the audience plainly show, I think, that these pages fall completely within the definition.⁵⁹

It is *Saucy Stories*, rather than Glassop’s novel, which Studdert is arguing to be obscene in this instance, using the fictional reactions of the fictional men reading it as evidence. The same logic counts the inclusion of ‘The Bastard from the Bush’ as obscene – the content of a different text (or magazine) becomes the novel’s obscenity – but in this instance the characters themselves are cast as witnesses. This doubled literalism contrasts tellingly with Studdert’s failure or refusal to accept the precepts of realism in his judgment on the novel’s worth. In a further irony, while the magistrate convicted the publishers of *We were the Rats* for including a scene in which

characters read from it, *Saucy Stories* had already been passed as an American import by Customs.⁶⁰

The key to Studdert's literalist reading is found at the end of the two-page sketch, where *Saucy Stories*' content exceeds its reading frame and, through its effects, becomes obscene for readers too. Gordon continues:

'As there were no clothes to take from the lady' – lady, mind you – 'his arms crept over her soft flesh, caressing the pink-tipped breasts, moulding her warm thighs and teaching her things that she had never known of.'

'Oh Jesus,' said Jim, and Happy, who had not spoken before, said quietly, 'I hope that's the end.'⁶¹

This suggestion of ejaculation was too much for Studdert, it can be presumed, and similar hints were found to be obscene in Close's *Love Me Sailor* when it faced the Victorian courts in 1948.

In January 1946, continuing the argument begun by Voeglesang, the first issue of the *Angry Penguins Broadsheet* published an essay on obscenity by the American writer Henry Miller, whose novels *Tropic of Capricorn*, *Tropic of Cancer* and *Black Spring* were banned in every English-speaking country. *Angry Penguins* had published an essay on Miller in September 1943 that praised his 'pulsing and supremely vigorous reflections of our crazy disease-ridden civilisation', protesting the unavailability of his books.⁶² Declaring that obscenity cannot be defined, in 1946 Miller quoted Havelock Ellis's view that it is a necessary element of human psychologies.⁶³ Obscene language was an expression of 'certain vital and mysterious forces' that struggled to be heard over the obscenity of war and the separation of life and art:

What is obscene then? The whole fabric of life as we know it today. To speak only of what is foul, lewd, filthy, disgusting etc., in connection with sex, is to deny ourselves the great luxury of the revulsion-repulsion which modern life puts at our service. Every department of life is vitiated and corroded with what is so unthinkingly labelled 'obscene'.

For Miller, a prophet of the idea that sexual experience was a mystic realm that had yet to be truly expressed, the 'magic' of obscenity went 'far beyond sex. Its purpose is to usher in a sense of reality'.⁶⁴

Bastards from the bush

In Melbourne, a struggling realist writer named Robert Close read Miller's essay in *Broadsheet* and crossed his fingers. He picked up his pen and wrote to Miller, feeling that his own newly published novel *Love Me Sailor* had embraced this new purpose. It was rude and bold, and to hell with the censors. The censors sent him to jail.

Literature in handcuffs

On 23 March 1948, Robert Close sat on a wooden bench in a Victorian Criminal Court and listened to his novel being read aloud. Copies had been distributed to the jury and the Crown prosecutor, Leo Little KC, stood in the middle of the room and read *Love Me Sailor* to the court from beginning to end. Close and his publisher Ted Harris of Georgian House, had been charged with a criminal offence: ‘that they did, on or about the 16th of February 1945 publish the said book, being one containing obscene matter’.¹ Specifically, they were charged with the rare and antiquated offence of obscene libel, which attracted a jury trial and a jail sentence under Victorian law.

Prosecutions had begun in 1946, and after three high-profile trials, a campaign of support from left literary circles and wide public interest in the case, Close and Georgian House were found guilty. In June 1948, three judges of the Victorian Supreme Court declared that ‘[o]bscene libel consists in the publication of any indecent, lewd or filthy matter, which tends to corrupt the morals of society’, and convicted Close and Georgian House.² The author and publisher were fined, the book immediately withdrawn from sale, and Close himself was sentenced to a prison term. Handcuffed in the courtroom, he was driven to Pentridge in the Black Maria and served ten days of a three-month sentence, reduced on appeal.

It was South Australian police who first instigated proceedings against the book, with the zealous Detective Vogelesang a prominent player. In July 1946, three Adelaide booksellers were convicted of selling an obscene publication and fined £5 each under the South Australian *Police Act* – like Harris – while the Crown prosecutor described *Love Me Sailor* as a ‘compound

of obscenity, brutality and horror'.³ In February 1947, Close and Georgian House were charged with obscene libel under Victorian law, and faced the Melbourne courts for the first time in March 1948.⁴ This trial was aborted after literary critic Ian Mair, an old friend of Close's, shared a beer with the foreman of the jury: Mair's review for the *Argus* had declared Close's novel 'sensational and important'.⁵ The retrial, also in 1948, was presided over by Justice Fred Martin, who presided over Frank Hardy's trial for criminal libel five years later. The third trial, to appeal, produced pronouncements from the Victorian Supreme Court, especially Justice Fullagar's comments, which were relied on by magistrates around the country until the late 1960s and figured notably even in the Canadian Supreme Court's decision to release *Lady Chatterley's Lover* in 1962.⁶

Close's jailing for obscenity shocked many Australians and rebounded internationally. In a statement released by the Fellowship of Australian Writers, with the support of the Australian Journalists' Association, the Council for Civil Liberties, International PEN, the Council for the Encouragement of Music and the Arts, and the Rationalist Society of Australia, novelist, lawyer and long-time anti-censorship campaigner Leonard Mann declared, 'People of all kinds of political and other opinion have been dismayed by the recent revelation of the state of the law and by what has happened under it, and many have been horrified.'⁷

By 1950, Close had denounced Australia, left for Europe and did not return for twenty-five years. He had not been charged under the Victorian *Police Offences Act*, which made it illegal to publish an obscene publication, because the novel had been published more than twelve months before police acted. Obscene libel, sourced in *R v. Hicklin*, was invoked instead, with its emphasis on a publication's threat to public morals. Because his novel was declared a danger to public morality, rather than being merely obscene, Close's offence was punishable by a jail term. Mann objected specifically to this as an unfair ruse by which the Crown 'may bring a citizen into greater or lesser jeopardy' depending upon the discretionary power exercised, in this case by the Victorian police, to charge Close with the more serious offence. Close's was the only conviction for obscene libel in Australia in the twentieth century.

Close and his book are now generally remembered only for the severity of his sentence. The case was the longest and most controversial of the literary show trials of the 1940s, and Close's jailing is a measure of the high

stakes at issue in the struggle between state governments and Australian literature. The role of literature was under question in court, but defenders of the literary made little impact; the Close trials would cast a long shadow over the cultural landscape for at least a decade and heavily influence publishing decisions, prosecutions and the regulatory environment of censorship. I want to suggest, *contra* earlier discussions of the case, that the Victorian court's extreme response was more clearly about the sex in the book than has been acknowledged. The taint of pornography gave grist to a political mill ready to condemn writing about sex and private lives, while leftist literary nationalism suffered by association.

Unlike the criminal libel invoked in Hardy's trial for *Power without Glory*, obscene libel is not libel of any individual. The libel is a reference to the political function of obscenity in the scurrilous underground literature of France's Ancien Régime. When first adjudicating on the Close case, Justice Martin drew directly on Cockburn's definition of obscenity from the 1868 Hicklin case, as the common law precedent, emphasising the criminal nature of the offence. In his judgment on Close's appeal from the full bench of the Victorian Supreme Court, Justice Herring approvingly quoted Cockburn: 'it is not everything that is filthy that comes within the criminal law, there must also be a tendency . . . to deprave and corrupt people whose minds are susceptible to corruption and into whose hands [the matter] may fall'.⁸

Although the original sentence was reduced on appeal, the judgments sought to affirm a defensible standard for obscenity, and to assert the law's control over who should be exposed to obscene material, while ensuring that no one should profit from it. In determining the obscene nature of *Love Me Sailor*, the judges flatly rejected the defence arguments that focused on the author's literary standing and the novel's worth as a realistic portrait of a working environment. In a judgment that remains influential, Justice Fullagar asserted that 'there does exist in any community at all times – however the standard may vary from time to time – a general instinctive sense of what is decent and what is indecent, of what is clean and what is dirty'.⁹ This reference to community standards, which Fullagar saw as best adjudicated by a jury, conspicuously distinguished the case from earlier rulings reliant on the Hicklin test, and provided a precedent for later cases in the 1960s that were looking to invoke change. In Close's case, however, community standards condemned his book. Rather than weaken the Hicklin test, as Fullagar's judgment did in the Canadian *Lady Chatterley's* case, the outcome

re-affirmed its relevance, underlining the criminal import of obscenity in Australian jurisdictions.

Cultural commentators such as John McLaren have seen the Close case as a key instance in the use of criminal law to suppress politically resistant writing in Australia. For *Writing in Hope and Fear*, McLaren's history of postwar Australian literature, what was actually offensive about Close's novel was its apparent unvarnished, vulgar expression of an independent working-class Australian identity. McLaren lauds the novel and its legal defence as a radical challenge to traditional British forms of repression and civil order.¹⁰ But Close's novel is not accidentally called *Love Me Sailor*. Set on a merchant navy ship, a windjammer, trading guano between Chile and the United States, it begins with the arrival on board of a beautiful English woman, Miss Ella Miller. She is introduced as 'the sort sailormen tear out of magazines and stick over their bunks'. Her mere presence fatally disrupts the brutal homosociality of a bonded and isolated all-male work place, so that by the time this generic *femme fatale* pleads with the hero to 'love me, sailor', the captain has lost his authority, one sailor his life, and all are imminently endangered. Ella herself proceeds inexorably towards psychotic delusion and the removal of all her clothes. By the end of the novel, her mental instability is apparent to all and her sexuality revealed as inherently degraded and corrupt, so that the previously lustful hero spits over the side at the thought of her.¹¹

McLaren describes this 'theme' as merely 'shallow romance', after praising the novel's realism, particularly its 'description of the storm and of the skills men bring to play to resist the extreme trials brought on them by the forces of nature'.¹² He describes *Love Me Sailor* as an expression of an Australian social realism that 'valued the experience of ordinary men and women, especially workers, above the forms of a traditional order', part of a 'radical nationalism' expressing the values of 'independent egalitarian democracy'.¹³ Close's assertive picture of an embattled but virile, working-class masculinity is aligned by McLaren with its prominence in radical Australian nationalism to argue that it was this tradition, as a culture, that the authorities acted to suppress.

McLaren's assessment of *Love Me Sailor* reflects some of the interests that sustained the maltreated author as a *cause célèbre* for left literary Melbourne. Close was an ex-sailor who was encouraged into writing by Alan Marshall and other left or Communist writers from Melbourne, who read

his short stories about work and life on merchant ships. Close dedicated *Love Me Sailor* to Marshall, but Marshall read the novel only after it was published and did not like its sexual content. Retrospective championing of Close as an authentic voice of working-class Australian masculinity conflicts with the repudiation of *Love Me Sailor*'s obscenity by one of the leading writers in this mode. And, for a radical piece of anti-colonial nationalism, *Love Me Sailor* is not set in Australia and doesn't feature any Australian characters.

The *Bulletin* reviewed *Love Me Sailor* in April 1948, during the censorship trials. Booksellers in Sydney and Melbourne had ceased to handle it in 1946 after the South Australian conviction, but copies circulated in an effective black market for £5.¹⁴ The anonymous reviewer found it 'not a pleasant book. It seems to have been designed to lead up to the two words with which it concludes, spoken when a drowned woman is hauled up out of the sea: "She stank." It is nasty in the way Baudelaire's poetry is nasty, but without the compensating genius.'¹⁵

Contrary to the Melbourne defence of Close, the *Bulletin* didn't insist on the book's literary value. It condemned the prosecution, nevertheless, as useless and counterproductive, in bringing attention to 'such a work [that] is best left to perish of its own weakness. Prosecution can serve no useful purpose'.¹⁶

The reviewer took much more seriously the effect of the case on Australian literary production as a whole:

From the literary viewpoint the prosecution will intimidate both authors and publishers; it will encourage lying and sentimentality in Australian writing; it will foster that provincial illusion that all mention of sex in the arts should be taboo. And if Close's book is obscene it is not so objectionable to the civilized mind as the spectacle of Literature in handcuffs, being led from a court house to jail.¹⁷

Norman Lindsay in a later commentary on censorship in the *Bulletin* again damned as arbitrary and unaccountable the powers of Customs and the courts, and rather than criminally obscene, declared *Love Me Sailor* to be, typically, too 'wowsieristic' for his tastes.¹⁸

A rutting gesture

The prosecution's main objection to *Love Me Sailor* was, as Close anticipated, its sailors' language – most insistently the use of the word 'rutting' as too

obvious a substitute for fucking.¹⁹ The lawyers pointed specifically to the mention of a ‘rutting gesture’ and, in court, asked Close to demonstrate what that meant. His defence objected. In his revealing correspondence with Close, Henry Miller asked him whether ‘rut’ was his word or a real sailor’s word, and Close proudly admitted that he had thought of it himself: ‘I did use it as a substitute for “fuck” and thought it a good one since as you know it means fucking between animals’.²⁰

The novel includes other obscenities or profanities, in numbers that seem extravagant. The sailors use bastard, bitch, bloody, ‘rutting bitch’, ‘rutting bastard’, goddamn, Jesus and Jesus Christ, and there are also some metaphorised representations of men ejaculating in sexual pleasure or thinking about and dealing with erections (sometimes brought on by the mere presence of Miss Miller). The novel also uses explicit sexual slang, like ‘split-whisker’ (‘he’s too good a sailor man to get tangled in split-whisker at sea’), and objectified, erotic descriptions of Ella Miller’s body, sometimes compared to the parts of a windjammer.²¹

With McLaren, Buckridge identifies the focus on obscene language in Australian prosecutions in the 1940s as a push from the values of middle-class civility, ‘marked “not to be disturbed” by profane expletives or by the (sometimes disruptive) nationalist myths they could signify.’ Expletives and profanity certainly were very strong features of what counted as obscenity for Close’s novel, especially in court, and were seen as provocative by the disbelieving judges and the police. Reading this vocabulary as assertively nationalist is difficult, nevertheless, because there are no Australian characters in *Love Me Sailor*. In combination with the portrayal of explicit commercial sex and sex acts, its import is more broadly that of a disruptive, working-class masculine sexuality, hyper-heterosexual, aggressively desirous, anti-romantic and offensive to a compact of conservative dictums, including what a literary novel should be about.

Brothel scenes and commercial sex offended the censors in many banned novels. Offence was found in the eroticised representation of sex with prostitutes, as in *Love Me Sailor*, in the portrayal of commercial sex exchange, as in *Come in Spinner*, and in the representation of private sex for money in Christina Stead’s *Letty Fox*.²² Women’s novels like *Come in Spinner* and *The Virtuous Courtesan* recognised, however, that, like a ship, a brothel is a workplace too and included empathetic portraits of the conditions of sex workers, unlike Close’s book. The Crown Prosecutor

from the Adelaide Police Court described one of the brothel scenes from *Love Me Sailor* as the worst of its obscenity:

The height of indecency seems to have been reached with Close's description of the second mate taking a cabin boy on his first visit to a brothel. Here absolutely nothing is left to the imagination. I shudder to think of the impression this book would make on young minds. Frankly it left me with a feeling of nausea.²³

The body of a young Chilean prostitute is described with what was later praised as the novel's 'vigorous' poetics: 'her body urged against him, he dropped his eyes and saw young breasts lifting to him like sails full of wind and moonshine, the nipples staining their whiteness like two strawberries dropped in snow'.²⁴ This poetics, in the 'neo-barbaric' style of Hemingway and Conrad, 'effervesces into images' argued H. M. Green, in his 1962 *History of Australian Literature*. Green's imagination found plenty to work with, in contrast to the Victorian police prosecutor's. 'He knew her breasts would feel like two warm duck eggs,' he quoted, and 'I saw her tongue swim swiftly like a red fish after the last drop in the glass. It stretched toward the bottom for a wink, then flipped back'.²⁵

In another scene, the sailors discuss Miss Miller:

'What's she like when you get inshore to her?' asked a voice from the port side.

'A bit narrow in the beam by what I saw of her' replied another from the starboard.

Chris [the Swede] swung himself on to the table and bent forward to look into the nearest bunk. 'Bah! You haf only zailed with dose fat assed scows, Crutchy! Diss lady hass a nice trim stern like a gentleman's yacht! I wass coming along da deck and I saw it going up da poop steps. It yoost moved up like dis.' Chris shut his mouth on a gulp of breath and rolled it from cheek to cheek. Laughter poured out of the bunks.²⁶

In effect, this section works as a vernacular *blazon* – a poetic catalogue of a woman's admirable features, common in Elizabethan lyric poetry. Its use of the features of the ship to describe Miss Miller also repeats one of

the joking set-pieces of the classic, early modern pornographic novel, *Fanny Hill, or Memoirs of a Woman of Pleasure* by John Cleland (released from the banned list only in 1973). Encountering a sailor on the street, Fanny uses the language of the sea to describe the sex she enjoys with him, describing him as a ‘man-of-war’ who ‘fell directly on board me’.²⁷ *Love Me Sailor* repeats a convention of literary erotica in which vulgar or working-class metaphors replace the poetic elevation of sexualised desire. The moral codes of bourgeois fiction are transgressed, while the sexualised meaning is satirised in the humorous tradition of the bawdy. *Love Me Sailor* is not a funny novel, however. Embodied, subjective relations are made object, in this fusion of ship and woman, in the displacing, associative, erotic work of the fetish. And in this novel the fetish expands into a system of reference, an industrial allegory bound to masculine labour.

Close and his lawyers emphasised the realism of his novel as the source of its literary and indeed moral worth. McLaren declares: ‘Close stood for the right of the author to tell his story in words that shaped life as he saw it’.²⁸ The authorities’ response was to designate that realism excessive and the obscenity too realistic. The judgment of the Victorian courts went beyond the tangled literalism of the verdicts on *We were the Rats* and *Angry Penguins* to argue that realist obscenity was in itself corrupting. As well as the same definition of obscenity, quoting Cockburn directly, they used the same model of representation that had censored Balzac and Zola around the British Empire. This ocular model understood naturalism as a form of over-observation or, effectively, too much looking: ‘incessant, merciless observation’, as Eugène Maron, critic of the Second Empire and of Balzac described it.²⁹

In 1930, Devanny’s article on ‘The Literary Moral Standard’ argued that ‘bringing up into the light certain aspects of the sex-life which have always been there, but hidden, has necessitated an understanding of those aspects so that they might be dealt with’.³⁰ As a feminist active in promoting eugenics and birth control, her representational model was scientific, empiricist, about looking at what needed to be seen. *Love Me Sailor*’s excess or hyper-realism, however – the sheer number of expletives, the hyper-masculine mode of address, its hard-fisted muscularity and aggressive, hate-filled treatment of Ella Miller, as well as its portrayal of sex acts as contests, as acts of bravado by men, important in their quantity and location – is hard to read as any kind of naturalism.

Read against the satire of *Letty Fox* and the overt politics of novels such as *Upsurge* or *The Virtuous Courtesan*, *Love Me Sailor's* hyperbole and melodrama are much more straightforwardly about generating pleasure for a certain kind of reader. Its textual excess, in other words, moves it out of the ordinary mode of realism and into hyperrealism, in which readerly identification is heightened and erotic desire blurs with or is enacted in the drive for narrative closure. It is a step further than Peter Cowan or even *We were the Rats*: men don't merely read erotic magazines to each other and to us for stimulation. Instead they aggressively seek sex themselves and enthusiastically describe it.

US legal theorist Drusilla Cornell's definition of pornography 'as the explicit presentation and depiction of sexual organs and sexual acts with the aim of arousing sexual feeling'³¹ challenges H.M. Green's insistence that *Love Me Sailor* is indeed 'never pornographic'. The pleasure at stake in the novel's explicit depictions and aims is determinedly about sex, and not only sex for its own sake – or obscenity. Its claims to realism are attempts to allow sexuality to be read and recognised as such, even though that sexuality is expressed as the hypermasculine fetishisation of women's bodies. This is what makes *Love Me Sailor* important – we can recognise it as the first Australian novel to begin what would become, through the 1950s and intensifying in the 1960s, a new insistence by writers on the 'truth' of sex as a legitimate part of life. Henry Miller's influence on Close was notable. Identifying this obscenity in the novel's *excess* then raises questions about what is 'real' and what is practised eroticism, or more precisely, about the role of masculine erotics in figuring the 'real', if the obscenity of *Love Me Sailor* was some kind of 'life as [Close] saw it', as McLaren suggests, something needing to be seen.

A tendency to deprave and corrupt

Under the definition of obscene libel, the most important charge against *Love Me Sailor* was its tendency to deprave and corrupt, measured by the book's mere availability and distribution.³² Justice Martin went so far as to accuse Close of deliberately writing a salacious book to attract sales, an opinion Close subsequently (quite disingenuously, even vaingloriously) described as 'presumptuous and impertinent'.³³ The defence, as well as the book's later publication outside Australia, insisted on Close's literary credentials and his novel's serious import. (He had published a number of short stories before *Love Me Sailor*, and his next novel, *The Dupe*, was written expressly to show

that he could produce a literary novel without sexual content and, notably, without a single woman character.³⁴) *Love Me Sailor* was an immediate success, its first and second print-runs totalling 11,000, selling out in the first six weeks of publication, a feat quite unusual in still relatively early and unstable years for the Australian publishing industry.³⁵

It was also a bestseller in France, England, Germany, Denmark, Norway and the US, Close reporting to *People* magazine in 1950 (in a somewhat hyperbolic account) an advance of £1500 from his American publishers.³⁶ Before the controversy, Close had sent the novel to Henry Miller in the USA, their correspondence begun by Miller's article in the *Angry Penguins Broadsheet*. Miller's first impression was that *Love Me Sailor* was 'strong' and he was 'very much impressed . . . but how it ever got printed in Australia beats me'. On 20 April 1946, he warned 'the censors will be down on you soon'. Close was well advised to protest his literary intent in court, even without success, but this kind of discussion, combined with the marketing and presentation of the book itself, especially outside Australia, suggests that *Love Me Sailor*'s generic precedents were more international and more deliberately obscene than was acknowledged. Indeed, as soon as the police first showed interest in prosecuting a bookseller, Close confessed to Miller that 'a conviction will surely be recorded, as legally the book hasn't a leg to stand on'.³⁷

Miller recommended Close to his publisher in Paris. This was the well-known Maurice Girodias of Les Editions du Chene, or the Olympia Press, whose father had first released *The Tropic of Cancer*. Girodias eventually published Jean Genet, Vladimir Nabokov, William Burroughs and Allen Ginsburg, and made a name publishing the erotic classics at his own expense; he later tried to publish Valerie Solanas' underground feminist tract, the *SCUM Manifesto*. Les Editions du Chene took on *Love Me Sailor* and according to Close suggested an immediate print run of 40,000.³⁸ In his autobiography, Close describes the French reviews of Girodias' translation, *Prends-Moi, Matelot*, as unanimously positive and also recounts that:

a Sydney newspaper managed to get hold of a copy of the French edition and boldly published the picture on the jacket: a line-drawing of a nude torso of an apparently mad woman with wild, tangled hair. As a concession to telephoned complaints from wowsers that this aroused, the next edition of the paper showed the same woman without nipples on her tits.³⁹

Richard Nile demonstrates that there was much blurring of high and popular genres for Australian writers in the 1930s and 1940s, noting that apparently serious writers like Vance Palmer, Eleanor Dark and Miles Franklin had their novels listed in the 'Novels for Popular Reading' category in *All About Books*.⁴⁰ He argues that Australian publishing and thus, perhaps, a national culture, were in fact dependent on populist writers and genres with guaranteed lending library sales and, moreover, library sales in the UK. In his decision in the Supreme Court appeal, Judge Herring noted that *Love Me Sailor* was easily obtainable from a lending library by any person 'whether likely to be corrupted or not'. Merely by virtue of being published, the novel was offered for 'indiscriminate sale' (meaning minors and children could read it) and therefore, in his judgment, it could degrade or corrupt public morals.

The inference from this interpretation of the law is that it was not only excess in language and 'the real' that the judges objected to, but excessive availability – as a novel, *Love Me Sailor*'s obscene content could be accessed by any literate person. As Hunter, Saunders and Williamson argue in their account of pornography regulation, obscenity law based on the Cockburn ruling is not concerned with 'the quality of the consciousness producing the pornography; it is wholly concerned with the uneven ethical abilities of the population into whose hands [it] may fall'.⁴¹ Herring's application of this ruling could damn all novels with obscene content as criminal and worthy of jail terms – merely for being novels, without regard to the question of literary merit. The judges' concern was such that they deemed it not only necessary to suppress *Love Me Sailor* altogether, but to severely punish the agents of its production.

Australians were 'basically wowsers'

The three trials of *Love Me Sailor* and Close's sensational jailing had a significant impact on the representation of sexuality in Australian culture. In relation to the contemporaneous publishing difficulties of *Come in Spinner*, author Dymphna Cusack declared that Australians were 'basically wowsers' who hadn't read much foreign literature: 'They would accept in London, Paris or Berlin what they wouldn't take here'.⁴² Her comment confirms a widespread consensus that can be sourced in the high stakes generated by these postwar show trials: that Australian national identity was positively, even assertively, tied to its refusal of explicit sex. The books themselves were

attempting to propose the opposite – a positive, even assertive tie between obscene speech and an Australian identity – and were being violently suppressed.

The lengthy delay between the Adelaide prosecution, the Victorian charge and the three *Love Me Sailor* trials meant that there were years in which the outcome was uncertain but the threat was clear. In those years a defence was built and public protest grew. The Victorian Section of the Fellowship of Australian Writers organised a public meeting and, with the participation of the Australian Journalists Association and other organisations, carried a resolution calling for amendments to the Victorian law under which Close was tried. The NSW Section sent a letter of support to Close, signed by prominent writers Katharine Susannah Prichard, Eleanor Dark, H. M. Green and Mary Gilmore, and both sections collected money for Close. Protests from university scholars included news from Professor K. A. Stout that the French translation had been praised by a recent *Critical Bulletin of French Literature*.⁴³

Close's final jailing further galvanised Australia's cultural community. In the months immediately following, the FAW issued their statement authored by Leonard Mann, which ended by calling for the Victorian *Police Offences Act* to be amended to allow the defence of literary merit, as the NSW *Obscene Publications Act* had been. Protests included a large oil painting satirising the trial exhibited by Donald Friend at the Society of Artists show in Sydney in August 1948.⁴⁴ Titled *Love Me, Sailor*, it is a frolicsome, brightly coloured allegory, featuring the judge as a frog in a wig attended by demons representing the newspapers, Robert Close in chains led by an ape, and a heaven in which angels read his novel, as well as *Lady Chatterley's Lover* and other banned books.

In Sydney, a version of the novel was staged as a play, testing both the applicability of Victorian law in NSW and the limits of the NSW *Theatre and Public Halls Act*, under which Chief Minister Baddeley banned *Rusty Bugles* in October of the same year. The play was presented in a marquee set up in Rushcutters Bay, with no named theatre company and no venue that could be subject to the *Act*. Reviewing it for the *Australian Quarterly* in March 1949, drama critic Leslie Rees was lukewarm about the performance but approved this innovation, 'no professional playhouse being available (or ever likely to be available)'.⁴⁵

The *Bulletin* declared disgust at the very prospect of 'Literature in

Handcuffs', as *Love Me Sailor's* reviewer had stated. On 4 August 1948, the Red Page declared its intention to force the admission of expert literary evidence in the defence of offensive books and launched its next few issues around the campaign. Comments from a representative group of authors, critics and publishers were printed in the last September issue and continued in the first two October issues.⁴⁶ The writers included such luminaries as Professor Walter Murdoch, Professor E. Morris Miller, war historian C.E.W. Bean, venerable authors such as Miles Franklin, Vance Palmer, H. M. Green and the censored Norman Lindsay, as well as younger writers such as Kylie Tennant, Gavin Casey, Frank Dalby Davison, Brian James and the *SMH's* R. G. Howarth. Sydney City's Librarian signed it, as did G. A. Ferguson of Angus & Robertson and his banned author, Lawson Glassop, and Georgian House publisher Ted Harris.

None of this protest had any liberalising effect; rather, the opposite. The culture wars of the 1940s were hard fought, as Close's jailing demonstrated. More than that, the trials provided a set of oppressive legal precedents which operated as an effective new censorship regime with Customs' administration. State government obscene publications laws extended federal legislation to maintain an effective, multi-layered web of censorship practice and, if the states differed from Customs in later years, it was often to ban books that Customs had released. This meant that the increasingly absurd scenario, in which a book banned in one state circulated freely in others, occurred more than once in the middle decades of the twentieth century. And more directly, the judgments influenced the decisions of the Literature Censorship Board.

Love Me Sailor was finally referred to the LCB in its British edition in 1951. The Board recommended its release, despite the Victorian conviction – Allen presumed, not having seen the Australian edition, that the use of 'rutting' was actually a British emendation and declared that 'there is nothing in this book calculated to harm any normal intelligent reader'.⁴⁷ Robert Garran, still Appeal Censor at 83 years of age, agreed. Minister O'Sullivan overruled both decisions, however, and *Love Me Sailor* remained banned. It stayed on the banned list even through the 1958 general review, until another edition was referred to L. H. Allen as Appeal Censor in 1960. He again declared it 'a sincere Conradian study of life at sea' and Customs finally released it to the Australian public.⁴⁸ Australian popular publisher Horwitz released a new edition immediately, with an appropriate cover.

A general shakedown

Besides the *Love Me Sailor* ruling, other postwar trials offered determining precedents for the censors. Kenneth Binns, as new chairman of the LCB, used Justice Studdert's 1946 judgment on *We were the Rats* to ban Brendhan Beehan's *Borstal Boy* in 1958. Beehan's was an infamous book penned by a writer notorious for wild living who had been imprisoned in a Borstal or juvenile British prison for political activities. As a sixteen-year-old IRA member, Beehan took a boat to Liverpool with explosives in his suitcase, and his book tells of his arrest and time in prison. Binns declared it to be 'the glorification of a complete exhibitionist' using the coarsest of language 'thinly disguised'. 'Must the reader endure it for 350 pages?' he pleaded. Studdert's judgment that 'not everything a man says or does can be subject of publication' was a clear means by which to draw a line. E. R. Bryan, Professor of English at Duntroon Royal Military College and appointed to the LCB in 1949, declared that 'Even newspapers do not write in terms of piss and shit and bugger. I think this book has to be subject to the same restrictions'.⁴⁹

Borstal Boy's banning provoked a question in federal parliament and a campaign from the editor of the left literary magazine *Overland*, Stephen Murray-Smith. Murray-Smith's own copy was confiscated by Customs and he investigated the possibility of launching a court appeal, dissuaded by the fact that the department could pursue costs if he lost.⁵⁰ Instead, *Overland* published extracts from it in July 1959, without being prosecuted. In his report, Bryan had observed that the character's membership of the IRA was irrelevant for the Board, but protests at *Borstal Boy's* banning pointed to its political effect, in a period that Murray-Smith could describe as 'wartime' for Northern Ireland. Beehan's portrait of the English was scarifying, as *Overland* extracted it: 'I came to the conclusion that [the English] were bigger and crueller bastards than I had taken them for . . . I was not defiant of them but frightened.' The only other country to ban Beehan's book was the Republic of Ireland.

Professor Derek Scales from Canberra University College found the novel reasonable and suggested it be passed, but Bryan cited 'offensive repartee' like 'you've a neck like a jockey's bollocks', arguing that the book did not have literary merit sufficient to excuse this. Binns elaborated: 'the most justifiable defence of censorship is that it imposes a restraint on authors in the use of dirty, offensive language, especially when it is not required to give point and meaning to a serious and legitimate purpose of the author'.

In that vein, to pass the book would create 'a dangerous precedent'.⁵¹ *Borstal Boy* was banned until a review of titles in 1965.⁵²

Binns defended that decision and others in the *SMH* in 1960 as criticism of literary censorship intensified. Beyond its 'offensive language', the book's specific offence was declared the inclusion of 'fifty-one lines of Borstal songs describing acts of bestiality and male and female masturbation'.⁵³ Like the bans of the immediate postwar years, the *Borstal Boy* ban was motivated by concerns about expletives and male, working-class vulgarity, and those features clearly crossed over with militant working-class politics and class consciousness. However, the offence of Beehan's novel has nearer connections with class conflict and anti-British republicanism in Australia than does the obscene libel of *Love Me Sailor*, despite that novel's place in Australian history.

Left historian Jack Beasley recalled Close's conviction as 'an extreme example of the general shakedown' that took place immediately after the war.⁵⁴ In the year directly following, Lance Sharkey was jailed under the *Crimes Act* for sedition and the year after that Frank Hardy went to jury trial for *Power Without Glory*. In 1951 the Communist Party Dissolution Bill was introduced into federal Parliament, and in 1952 questions in Parliament accused the government of allowing the Commonwealth Literature Fund to support Communist activities by writers, blaming chairman Vance Palmer and also accusing Christian socialist writer Kylie Tennant of communism.⁵⁵ In the wake of such pressures, Beasley suggests, '[i]t would be many years before printers and publishers overcame their nervousness towards the work of new Australian writers'.⁵⁶

In August 1951, the Post Office refused to register for transmission through the post a collection of the art of Rosaleen Norton, the self-proclaimed witch of Kings Cross, with her transgressive representations of white female nudes with male genitalia. Published by freelance publisher Walter Glover in a limited edition of one thousand copies, the book also included poetry from her young lover Gavin Greenlees and provoked a high-profile prosecution under NSW state law.⁵⁷ Norton figured too in the Eugene Goossens affair, when in 1956 the Sydney Symphony Orchestra conductor had more than 1000 obscene photographs as well as a piece of strip film confiscated from his luggage by Customs. Long targeted by the NSW Vice Squad, Norton had been in a clandestine relationship with Goossens for some time, practising what they called 'sex magic'. Goossens

was held up on his return from Europe, his suitcase searched on information from an officer of the Vice Squad. He was prosecuted for the importation of obscene material in what became a scandal and remained the most high-profile Customs case for decades.

Goossens was also an executive member of the Australian Association for Cultural Freedom, an anti-Communist organisation established under the auspices of the International Congress for Cultural Freedom to counter the prominence of left nationalism in Australian intellectual life. Supported by the US government and the CIA internationally, it was dominated in Australia by senior figures of the establishment. Rather than advocating for the 'freedom of an artist to live his private and sexual life as he pleased', as Susan McKernan has noted that it might, the Association asked Goossens to resign.⁵⁸ His reputation ruined, he left Australia in disgrace.

The Customs' banned list remained out of public scrutiny, meanwhile, as Menzies' Office of Prime Minister and Cabinet considered submissions from organisations such as the NSW Welfare Advisory Council, recommending that it take action to protect Australian children by further restricting the circulation of American comics. The new battleground, to become the site of a full-blown moral panic, was popular publications, from blockbusters to comics, pulp fiction to calendars, magazines to postcards. Freedom-of-speech advocates defended literary experiments like *Angry Penguins* and *Love Me Sailor*, but even Brian Fitzpatrick from the Council for Civil Liberties declared that bookstalls hosting American 'salacious matter' were a proper target for authorities.⁵⁹ Production was exploding and a wave of material from the States seemed likely to drown Australian readers. Clearly they needed even more protection.

Everything you could expect for a quarter

In short, the book has everything you could expect for a quarter.

Prof. E. R. Bryan, report on Jack Hanley's *The Guy from Coney Island*, banned 1954

One of the world's most loved blockbuster bodice-rippers, Kathleen Winsor's *Forever Amber* was banned by the Literature Censorship Board in 1945. The best-selling book of the decade, it was a sensation in sixteen countries and sold around two million copies in its hardback edition. It became a lavish, Hollywood period film in 1947, starring Linda Darnell and Cornel Wilde, and has been so adored around the world that fan sites on the Internet are still full of testimonies to its seductive appeal, even as it weighs in at 972 pages. Republished in a Penguin edition in 2002, the publicity blurb declared it a 'timeless masterpiece', with glowing endorsements from respectable British newspapers such as the *Observer* and the *Guardian*.

I found my copy in a London bookshop and wiped out a week of my stay, reading, reading, reading, every day and all night, in the bus, in the queue for the bus, forgetting to get off the bus, becoming more lost than I already was. I was stuck in the glorious Restoration saga of Amber and her swashbuckling lovers, the drama of the Plague, the fire of London, the theatres and decadent salons of Charles the II and loving, on top of all of this, the extended, excessive descriptions of Amber's sumptuous frocks. I stopped talking and answering my phone. I felt like a fugitive from bleak, winter London, desperate to stay in Amber's technicolour world. Often credited with initiating the modern romance genre,¹ Winsor's book does

what popular fiction perhaps does best: coalesce a distanced, illusory world complete and perfect in its points of glamour and fantasy, while exploring the dilemmas of its own moment through the then newly shameless mechanisms of narrative sublimation and commodity fetishism. Far from reading now as coy or dusty, *Forever Amber* still offers an appealing escape from the terms through which we ordinarily understand our compromised relations to culture, power, relationships, truth, money, love.

Forever Amber was banned in Australia from 1945 until 1958. In his report to the Customs Minister, L. H. Allen acknowledged the huge success of Winsor's book, but noted sternly that: 'popularity is no sure guarantee of worth. The source of [the book's] notoriety is more properly to be found in a crude and obvious appeal to the sex instinct'.² Allen condemned the 'swooning sentimentality' of the love scenes as 'spiced with salacity', while the 'unremitting repetition' of 'coarse and licentious terms . . . merely stimulates salacious interest'.³ *Forever Amber's* offence was thus sourced in its mass appeal, diagnosed directly by Allen as an 'obvious' intention to titillate, if not arouse.

Already banned in Boston under their strict statute, *Forever Amber's* reputation was that it was 'hot', and Massachusetts's Attorney General listed '70 references to sexual intercourse, 39 illegitimate pregnancies, seven abortions, 10 descriptions of women undressing in front of men, and 49 "miscellaneous objectionable passages"'.⁴ The novel has references to homosexuality, sexual sadism and unnamed perversions, and a beautiful, passionate and self-interested heroine who doesn't want children, marries for money and is unashamed of her sexual appetites. Allen's report listed the pages on which could be found 'amorous scenes', 'impotence', 'perversion', 'suggestiveness', 'abortion' and 'coarseness'.⁵

Forever Amber was the first adult novel that American feminist cultural critic Elaine Showalter read. 'In 1952, when I was 11, I discovered the greying and mildewed hardcover stashed away in the cupboard of our beach cottage. I knew immediately that it was contraband and I should keep my find a secret.'⁶ In Australia, my mother remembers it being circulated at her school in the mid 1950s where, aware of her mother's disapproval, she chose not to join the band of excited readers, passing the illegal copy from girl to girl. Showalter describes being 'mesmerised' by it – was this the effect the censors were acting to prevent?

The book's banning in Australia throws the nature of reading itself

into question. Is the pleasure of reading itself obscene? Does the pleasure come from the plot-driven compulsion of popular fiction or the purpose-built pleasure of a story told without apparent moral seriousness? Does the pleasure derive from its power to alleviate boredom and soften the grip of social conditions not of our choosing? Is the satisfaction drawn from an escalating commodification of human relations and the atomisation of the social world into individual, reading parts?

Not according to the Board. It characterised the pleasure of reading *Forever Amber* and sexy commercial fiction like it as simple prurience. The book's principal function became the excitation of sexual pleasure and it was judged as obscene, even pornographic. It transgressed the standards of the LCB not merely in features ascribed to pornography but in its suspicious ability to engage a huge readership. Under the Hicklin definition of obscenity, in 1948 vividly enlivened by Close's conviction, the more people read something obscene, the greater the 'tendency to deprave and corrupt'. *Forever Amber*'s mass appeal made it suspect. Reading merely for pleasure itself was a problem for Australian censors, suspicious of a book's ability to garner the sheer volume of attention that *Amber* did and, correctly, under obscenity statutes, wary of the effect of this reading on newly literate, mass populations of readers.

Large quantities of popular and mass market publications of many kinds were banned by federal Customs in Australia during the twentieth century, and by state government authorities too. Regulation of the expanding distribution of cheap publications written for working-class readerships has been a defining feature of modern censorship, reflecting concerns about the ability of popular forms of culture, including magazines and comics, film, radio, music and television, to corrupt large portions of national populations. Chief Justice Cockburn's ruling in the British Hicklin case itself expressed wide-ranging concern about cheapness and wide distribution, as well as youthful and impressionable readers, in the era of the 'penny dreadful' and American dime novels.⁷ As the nineteenth century turned into the twentieth, the Australian working-class made more of its increasing access to education, leisure and limited spending money, and subscription libraries and cheap fiction magazines began expanding to meet new kinds of readerships.

This chapter surveys some of the publications banned for their tendency to deprave and corrupt a mass of readers, after Customs' 1933 division of

imported publications into those with a claim to literary or scholarly merit and those with none. Those without form by far the great bulk of the 15,700-plus suspicious titles banned before and after 1933, without expert consideration and without external reference to community or legal opinion.⁸ Responding to various waves of public concern, Customs officers banned and confiscated popular, pulp and pornographic materials directly from the docks, keeping some records but making no regular reports to the minister, Parliament, the media or the public. Magazines from *True Romance* to *Playboy*, the perennial horror magazine *Weird Tales* to the US literary journal *Evergreen*, pulp-genre fiction ranging across crime, detective fiction, horror, sci-fi, westerns, war, romance and sex novels, comics, calendars, pamphlets (both political and advertising), guides to drug use and all of the publications identified by Customs as pornographic fell into this expansive category.

In this chapter I examine the banning of popular and pulp fiction and magazines, and revisit the Australian version of the international moral panic about comics in the 1940s and 1950s. These are the main instances of banned popular publications whose content might now seem innocuous, even as there was then broad consensus about their dangers. There are also significant instances of popular publications that blurred Customs' often clumsy distinction between the literary and non-literary, and we have better records for these, from the LCB or other bodies, when the censors reported explicitly on the worth of titles both popular and *outré*.

Forever Amber

There is a well placed, tongue-in-cheek moment in *Forever Amber*, when our heroine finds in the library of her hated but wealthy husband a connoisseur's, leather-bound edition of some typical Italian renaissance pornography, showing 'a young man and woman, both of them naked, straining in an ecstasy':

For a moment Amber looked at it, fascinated . . .

'I thought you'd be interested,' she heard him saying, 'but pray handle it carefully. It's very old and very rare – a treasure of its kind.'

She did not answer or look round but went on out of the room. She felt bewildered and angry, both pleasantly excited and disgusted. It seemed, somehow, that he had taken advantage of her.⁹

This scene is the book's wink at the censors and at a knowing, reading public, celebrating a new class of readers' access to books for pleasure in the last phases of World War II. Amber, a peasant-class, illiterate woman who rises to the heights of the King's mistress, is nominally very far from the reader for whom sixteenth-century Italian pornography was designed. We recognise her, however, as the heroine of the *chronique scandaleuse*, the paradigmatic whore-narrator characteristic of early modern French pornography.¹⁰

Recent studies of the (re)invention of obscenity in seventeenth-century France demonstrate that by the mid-1660s mature, bourgeois women were becoming the new subjects of early modern pornography and a small part of its new readership too.¹¹ *Forever Amber* is deliberate in its generic referencing of sixteenth and seventeenth-century pornographic texts such as Nicholas Restif de La Bretonne's *Monsieur Nicholas* and John Cleland's *Fanny Hill*, as well as echoing Defoe's *Moll Flanders* and *Roxana*, and Gay's *Beggar's Opera*. Winsor used Defoe's *Journal of the Plague Year* as a major source and made London's infestation the centrepiece of her book. Without the explicit sex of porn, but using many of its genre signals and conventions, Winsor produced a book that was neither simply a titillating sex romp nor a catalogue of sex acts in the style of *Fanny Hill*. It was a proper bodice-ripper, bodices and all.

In its plotting, *Forever Amber* reproduces the nineteenth-century adaptation of these seventeenth-century traditions. The features of the underground *chronique scandaleuse* are outlined by Iain McCalman:

The courtesan 'authors' – invariably from humble but respectable backgrounds – began by describing how they had been tricked by aristocratic or royal libertines into parting from their true loves. They had then been seduced and forced into prostitution. Thereafter they had become mistresses to a succession of corrupt, perverted and cruel aristocrats, against whom their only recourse was . . . to play one off against the other . . . to turn private sexual knowledge to blackmailing/publishing advantage.¹²

Winsor's twentieth-century variant accords her heroine more agency than this, as well as rewarding her sexual entrepreneurship with wealth and a title, although not with true love. *Amber*, as it was affectionately called, is a striking example of the use of the tropes and conventions of porn in a modern, commercial genre.

The book became one of the first proper paperbacks, selling to millions while offending authorities, its portability and affordability compounding its transgression. It is now recognised as one of the first and best examples of Restoration romance, a highly profitable and characteristically racy subgenre of the broader romance category.¹³ Neither precisely a pulp title nor hardback literary fiction, its cross-over success as sexy but long, glamorous but historical, bawdy but wordy, set such a precedent that by the end of the decade schoolteachers were citing its example to decry a boom in racy novels.¹⁴ Until mid-century, in the catalogue of readers conjured by the censors, women had been counted among those whose taste could be respected. Unlike the minor reader (the child, and, by the late 1940s, the juvenile) or the 'sexually unstable reader', women readers had formed a reliable benchmark of prudence and respectability. Nor had there been campaigns from women writers or readers on behalf of the 'modern novel', as there had been in the UK in the 1920s and later, especially around the British banning of Nora James's *Sleeveless Errand* in 1929. The modern novel had not been as strongly identified with the modern woman seeking new knowledge about sex or freedom from patriarchal mores.

On the contrary, Australian women had been agitating for restriction rather than liberty. Organisations such as the Women's Non-Party League, which Glassop blamed for the prosecution of *We were the Rats*, were active in campaigns against indecent literature. Mrs M. Calvert, secretary of the League's Tasmanian branch, wrote to the Book Censorship Board in 1933 complaining about the 'pernicious teaching of these sex novels'.¹⁵ This was even though censorship was already regulating women's cultural access, particularly to birth-control information. *Forever Amber* is an instance when 'the taste of ladies' was no longer to be trusted and women needed to be protected from one of their own.

Pox, perversion, impotence and pregnancy

Despite its great length, *Amber* was rushed through the LCB reviewing process, the Comptroller-General J. J. Kennedy writing on 16 May 1945 that the department was 'being pressed for a decision'. Allen reported on 5 June, his two-page, closely written report including a list of offending pages. Binns reported he had had only the weekend to read the 900-plus pages and had only read 248 as well as the passages marked by Dr Allen. 'This, however, has been sufficient to convince me that the novel not only

over-emphasises sex matters, but also that it in many places is so bawdy as to be classified as indecent.' Haydon scrawled his concurrence on the bottom of the Chairman's report.

Before he read it, Binns was able nevertheless to report to Customs on *Forever Amber's* enormous popularity in the US, in his role as National Librarian. On 4 June, he reported that the publisher, Macmillan, had 'immediately [seen] the probable popularity of a work of its kind, especially coming at the present time when war neuroses have produced in so many people a desire for escape'. Macmillan paid Kathleen Winsor a 'staggering advance royalty of \$5000 and printed a record first issue of 225,000 copies – after spending \$20,000 on advance publicity'. The book shot to the top of the bestseller list and after eight months, Binns noted, it still ranked fifth. Hollywood had contracted Winsor herself, 'who is young and glamorous', to appear in the slated film.

He also carefully noted the many positive international reviews, from the *Times Literary Supplement*, the *Saturday Review of Literature*, the *New York Times*, the *Library Journal* and the *New Yorker*, which, while criticising its bawdiness, had recognised the novel's 'story appeal'. The *Time* review was apt for Binns:

A 971-page exploitation of the bawdiest phases of the bawdy Restoration, it weighs two pounds even. And every ounce sizzles – with seductions, abortions, childbirths, miscarriages, bedroom raptures. Its characters wallow in pox, perversion, impotence and pregnancy.

He outlined the possible effect of an Australian ban. Embargoes on the importation of American books, protecting Britain's interest in Australia as a colonial market, as well as the tariffs protecting Australia's domestic industry prevented the US edition from being imported, beyond incidental copies sent individually or brought in suitcases. (Binns worried particularly about the suitcases of US servicemen.) The English edition was in preparation, however, and the Board had already been notified that it would excise only six lines of the US edition. This was far from enough, so pre-emptive action was needed. Reviews and publicity had whetted an Australian appetite but Binns reasoned that booksellers would not appeal a ban because 'they are not organised to face such an expense'. The film's release would perhaps also occasion demand for an Australian edition of the book. This would place

responsibility in the hands of the six states, rather than Customs, and could result in criticism of the Commonwealth's action. This point did not modify Binns' view that the novel should be prohibited, however. *Forever Amber* was banned with the Minister's approval on 6 June 1945.¹⁶

As predicted, this provoked immediate criticism from the press. Richard Keane, Catholic Labor Customs Minister in the Curtin government, greedily claimed credit for the ban, in the postwar escalation of debate about censorship, saying, 'The Almighty did not give the people eyes to read that kind of rubbish.'

The *Sydney Morning Herald* reported that the ban would apply to the English edition as well, quoting a representative for Macmillan in London that 'a special edition of 10,000 copies intended for the Australian market would not now be imported'.¹⁷ The *Daily Telegraph*, noting Keane's assertion that he had 'studied it very carefully', pressed the Minister on what the book was about, to which he replied: 'I couldn't tell you that without referring to the file'.¹⁸ Three days later, the *Herald* quoted Winsor: 'I don't care whether Senator Keane likes my book or not'.¹⁹

Macmillan launched an immediate appeal in 1945 but Robert Garran as Appeal Censor upheld the ban.²⁰ Another review was requested in 1953. The would-be Australian distributors argued that since 1945 there had been a 'broadening of the public outlook . . . in the treatment of sex problems in fiction and other works'.²¹ Garran stood by his earlier verdict, restating his opinion that *Forever Amber* had 'no particular literary merit, but was mainly a collection of bawdiness, amounting to sex-obsession, and with little appeal apart from that.'

Garran did include a letter from the novel's London publisher, Macdonald & Co., in his report to the Comptroller-General, which lauded the efforts of the Australian distributor to remove Australia 'from a world minority of two, the other being that curious collection of irreconcilables, Southern Ireland!' (By then, New Zealand had added the book to their banned list.²²) Defending the book, the publisher did not want to rank *Amber* as a 'sexy book', declaring that the imprint would not be associated with 'dirt' and noting as evidence the firm's refusal to publish Norman Mailer's *The Naked and the Dead*. Garran reported to the Comptroller General that *The Naked and the Dead* had been allowed into Australia as a work of genuine literary merit, in contrast to *Forever Amber*, which was not.²³

Allen himself had more reason than the others to be defensive. The

controversy surrounding the banning escalated to personal attacks and jibes. A book column in the *Sunday Daily Telegraph* in August 1945 investigated every occurrence of the word 'amber' in Allen's own poetry, dating back to 1921. Coming after *Gone with the Wind* and pre-empting the mega-sellers *Peyton Place* by Grace Metalious' (1956, banned from 1957 to 1971²⁴) and *Valley of the Dolls* by Jacqueline Susann (1966), *Forever Amber* remains a milestone in popular fiction, cementing a readership for titles that are neither non-literary nor resolutely disposable. The contemporary popular paperback owes much to its eye-popping success. In May 1946, the *Sydney Morning Herald* reported a survey of US reading tastes from the first six months of 1945 that ranked *Forever Amber* second only to the Bible, at 84 per cent to the Bible's 95.²⁵ The Australian public, however, were not allowed to read it for another fourteen years.

Peyton Place, Harold Robbins' *The Carpet Baggers* (banned 1961), Jackie Collins' *The World is Full of Married Men* (banned 1968), and numerous other bestselling fiction titles from the 1940s through to the late 1960s were also deemed not literary enough to redeem the racy obscenity they contained.²⁶ These paperbacks were at least forwarded to the Board for expert assessment. Customs officials thought *Valley of the Dolls* should be banned but sent it to the Literature Censorship Board for an opinion as 'added insurance'.²⁷ By majority opinion, the Board recommended release. The great bulk of banned popular publications had no such claims to detailed attention or appeals: dirty books were mostly just dirty.

Fifteen thousand dirty books

The most detailed censorship card-index file system from Customs' Literature Censorship Branch takes up 26 boxes. This card catalogue was established in the late 1950s, when the Department of Trade and Customs split and the Department of Customs and Excise was formed, and when two reviews of the censorship regime and the banned list were undertaken.²⁸ It records all titles considered for prohibition from 1933 and continued as an active record until 1973, well after the National Literature Board of Review was established and into the term of the anti-censorship Whitlam Labor government. As a cumulative record, to which titles were added and from which titles were removed across those decades, it records what can be estimated to be more than 15,700 titles that were considered for banning by the Department of Customs. Of these, 955 titles were sent to

the expert Boards, the BCB and LCB or after 1967 the NLBR. A further small proportion of non-fiction titles in the areas of sexology, birth control, anthropological studies and medical tracts were sent to the Director General of Health for an opinion. The remainder, about 14,600 titles, was assessed by Customs officers without expert advice.

This was the work of the 'dirty books' detail, as officers referred to it. Customs clerks working in the Literature Censorship Branch, housed in the Sydney office, began to train in speed-reading in the 1960s, given the great volume of material.²⁹ Clerks were responsible for the identification of suspicious publications, for collecting, assessing and recording the contents, and for maintaining and administering the records, as well as the publications themselves. Publications ended up in their hands after having been confiscated on the docks, from the post office or aeroplanes, and were tracked on their way through the referral systems, leaving an exhaustive paper trail.

This trail records a broad spread of banned publications from comics to calendars, pamphlets to paperbacks, from magazines to how-to-books and more. The whole censorship regime was geared towards the handling of this material and, while detailed consideration was given to the minority of literary titles, the treatment of all publications needs to be seen in the context of this regimented and efficient system, in which a book was just one more imported good to be processed.

Magazines were always the bulkiest category. When they emerged properly in the late 1940s, adult magazines were considered obviously obscene, defined against the earlier 'Art' or 'Studio' nude photographic magazines of the 1920s, or the nudist, naturist magazines circulating particularly from Scandinavia. *Man, the Australian Magazine for Men*, began publication in 1936, a notable feature its risqué cartoons using sexual stereotypes, but it never became as explicit as its American counterparts, probably because of the fear of prosecution.³⁰ Advances in postwar colour-printing techniques made photography cheap to reproduce and adult sex magazines began to shed their disguises. *Playboy* published its first issue in December 1953, featuring a nude centrefold of Marilyn Monroe, and sold over 54,000 copies in the US.³¹ Australian Customs banned the title from November 1955, treating it routinely with the bulk of materials until 1960, when the blanket prohibition was removed.³² Customs continued to inspect every individual issue after that, however, often prohibiting single ones.

After a member of the NSW Council of Civil Liberties had had a collection seized on his return to Australia from an overseas trip in the late 1960s and complaints had gone to the minister, a run of issues was referred to the LCB.³³ The members reported on *Playboy* with sly humour, the distinction between their roles on an expert literary board and the increasingly 'low-brow' forms they were asked to assess becoming more apparent. Bryan, as Chairman, reported of the January 1968 issue: 'The new year starts well with a review of 1967's bosoms carried more or less proudly by the girl of each month . . . But if bosoms do not offend, there is little else to take exception to – all things being relative – in this number.' K. C. Masterman, Associate Professor of Classics at Canberra University College and deputy chairman, noted a story by US writer Saul Bellow, two poems by Soviet dissident Yevgeny Yevtushenko, limericks by Ogden Nash and a long interview with Norman Mailer, as well as 'even more mammary hypertrophy than usual'.³⁴

Pornographic novels were inevitably banned. Maurice Girodias' Olympia Press in France published not only Close's *Love Me Sailor* and the books of Miller, Genet and Nabokov, but 'stark pornography', as he termed it, including pseudonymous erotic titles such as *White Thighs*, *The Story of O* and *The Sexual Life of Robinson Crusoe*.³⁵ Titles like *Lesbian School Teachers and their Little Lovers*, by 'Dr Lamb' from the Dr Lamb Library (1973), and Miller's underground, sadomasochistic title *Whipsdom* (1966), also from Olympia Press, were among the pornographic titles banned by Customs officials without referral.

Prohibiting pulp

Pulp fiction and all kinds of magazines were banned under a provision designed specifically for them, through amendments to the regulations operating under the *Customs Act*. The power to ban by proclamation had been used to insert Billy Hughes' sedition provisions, as Item 14, in 1921 and the same power allowed Item 14A to be added to the regulations in 1938. It expanded the definition of a prohibited import to include:

Literature which, in the opinion of the Minister, and whether by words or by picture, or partly by words and partly by picture – unduly emphasises matters of sex or of crime; or is calculated to encourage depravity.³⁶

This definition widened the ambit of bans significantly. It allowed Customs to prohibit on the basis of over-emphasis (a subjective category, measured against ill-defined due emphasis) and intention to deprave (like 'corrupt' in the Hicklin definition of obscenity, depravity also has meaning only by distinction against presumed normality). The regulation also banned over-emphasised crime of any kind – a distinct addition to definitions of obscenity – and in picture-only publications too, an inclusion directed at comics.

Collectors and historians now distinguish carefully between pulp magazines and pulp fiction. Pulp magazines were established in the 1880s and 1890s, and serialised sensational fictional as well as true-crime stories with vivid, even 'lurid' illustrations, printed on cheap paper made from mechanical wood pulp.³⁷ American magazines like *Black Mask* and *Weird Tales* were the most successful, and by the 1930s were selling high volumes and reaching a large international market. True-crime pulp magazines flourished after the 1920s, in 'a stew of titles made with a few cheap ingredients', as comics historian David Hajdu notes. Titles included *True Crime*, *True Detective*, *True Detective Mysteries*, *Front Page Detective*, *Crime Detective*, *Spicy Detective*, *True Gang Life* and the 'all-embracing' *True*.³⁸ Home-grown and imported comic books proper began to circulate in the 1930s, with the line between adult and juvenile markets thinly drawn.³⁹ True-crime comics were a notable development, combining the visual appeal of comics with magazine sensationalism.

So-called 'pulp fiction', on the other hand, has become shorthand for the cheaply available, mass-market, single-title fiction that collectors now prefer to call vintage genre fiction. Authors published in the genres of crime, romance, horror, westerns, war stories, fantasy and sci-fi, and vivid covers both attracted buyers and alerted Customs officials.

Peter Coleman gives a detailed account of rising Australian concern in the late 1920s and 1930s over commercial fiction imports from the US, particularly pulp magazines and comics, but books as well. He recounts the ongoing battle, beginning from Federation, between importers, government, writers' groups and public advocacy groups about the perceived threat of large quantities of cheap, imported publications to Australian values, as well as to a domestic literary and publishing industry. Public concern began to increase as the volume of imports increased into the 1930s, and comic covers began to boost gore and horror in what Hajdu calls 'a tempest of excess'.⁴⁰

Coleman declares that 'by July 1934, New South Wales alone was receiving each month 100,000 American 'pulp' magazines'.⁴¹

Thomas White, Minister for Customs through the mid-1930s, fended off complaints from a range of advocacy groups and moral campaigners, from the New South Wales Christian Endeavour Union to the Western Australian Women's Service Guilds.⁴² Inky Stephensen, home from his adventures with the underground press in the UK and very active in Sydney, formed the 'Cultural Defence Committee' in 1936 as an offshoot of the Fellowship of Australian Writers, and penned a pamphlet titled 'Mental Rubbish from Overseas'.⁴³ It objected to the syndication of American content in Australian publications and found comic strips such as *Mandrake* and *Tarzan* primitivist or superstitious and foreign to Australian culture.

Obstreperous and inflammatory, in typical Stephensen style, the pamphlet protested the influence of Jews and African Americans in the US comics industry and their presence in the comics themselves, refusing such an influence in Australia: 'The negro and his African jungle form no part of our national heritage and consciousness, and we will not have him here, either in person nor by proxy, in the form of his culture'.⁴⁴ The two creators of Superman, the all-American hero, were Jewish and the American industry in general was a haven for creative types who faced obstacles to other artistic careers: Jews, African Americans, women, Italians, Latinos and Asians.⁴⁵ This did not mean that comics failed to trade in racist stereotypes; the opposite was true. But this was not Stephensen's objection. He chaired not only this committee but the NSW Branch of the Book Censorship Abolition League, sharing membership of both with the writer Barlett Adamson. So the pamphlet called not for censorship but for tariff restrictions, a tax to make the syndicated publications 'at least equal to the price normally paid to Australian producers of similar material'.⁴⁶

By 1938, various attempts had been made to restrict importation of pulp, from voluntary guidelines to specific bannings, and importer groups had even gone to state courts, although no importer had brought an action against Customs.⁴⁷ Acting Minister John Perkins took up the matter and implemented the regulation change. In a statement to Parliament in May 1938, he outlined his motivations:

There are . . . being imported into Australia, certain publications which have no literary or intellectual value and which are obviously

Everything you could expect for a quarter

published in order to cater for those seeking to satisfy depraved tastes for morbidity, sadism, sensuality, etc. These books are usually put up in luridly attractive covers . . . [and] are retailed at prices ranging as low as 3d. or 4d. a copy.

He qualified that ‘there is no intention to interfere with reputable detective or crime stories which have definite literary merit’, but ‘Honorable Members will, I am sure, agree that literature of the type now referred to cannot but have a harmful effect upon the community, particularly upon young folk and adolescents’.⁴⁸

Here was the introduction of a category of readers – ‘young folk’ and ‘adolescents’ – cast as particularly vulnerable and on whose behalf legislators should be acting. Understood as ‘still innocent of knowledge, agency, and accountability’, the minor citizen ‘has ethical claims on the adult political agents who make laws, make culture, administer resources, control things’.⁴⁹ For the first half of the century, censorship regimes did not distinguish adult material from ‘mature’ or general material. Increasingly as the twentieth-century continued, however, children and teenagers formed a category of readers, viewers and consumers whose vulnerability was noted and whose needs were seen as specific. Their rebellion against their deployment in these regimes of control and accountability activated what have since come to be seen as the classic ‘moral panics’ of the century.⁵⁰

Sex and crime, crime and sex

Perkins was also careful to mention a notable NSW scandal in his speech. A 1938 murder had occasioned a petition lobbying for the banning of pulp crime magazines, and conservative NSW Premier Bertram Stevens had written to Prime Minister Lyons insisting on a link between the reading habits of the murderer and a tendency to brutal crime. Defending the ban on pulp, Perkins reiterated this for his federal audience: ‘a large number of these publications were found among the effects of a young man recently found guilty of murder’.⁵¹ Another suspicious death was reported in the *Sydney Morning Herald* in March 1940 – clipped in Allen’s papers – of a woman strangled with her own stockings. Allen underlined the details: ‘In her room were many detective novels and murder stories. Police were told that she was an avid reader of this class of novel.’ Conclusions were being drawn not only by the censors and their legislators, but by significant

sections of the community: reading about violent crime caused violent crime.

Perkins' regulation change had immediate effect. Magazines and pulp fiction began to be banned in greater quantities, with some public approval but strong protests from the magazine importers. Coleman states that within two months 48 magazines were banned and by September 1938 there were 73.⁵² He lists *Intimate Romances*, *Facts of Life*, *Breezy Stories*, *Horror Stories*, *Current Psychology* and *Psychoanalyst* – a broad gamut of magazines subject to the new definition. A 1950 seizure from Associated Magazine Importers and Distributors of NSW garnered five banned horror, detective and true-crime magazines: *Terror Tales*, *Mystery Tales*, *Personal Adventure Stories*, *Actual Detective Stories of Women in Crime*, and *Official Detective Stories*.⁵³ Such titles had high-profile antecedents. *Detective Story Magazine* was the first US crime-fiction magazine, while *Black Mask* was the most successful – it serialised Dashiell Hammett's *Maltese Falcon* in 1929–30 and published some of Raymond Chandler's best short stories in the early 1930s.⁵⁴

One of the most notoriously brutal pulp-crime novels, *No Orchids for Miss Blandish*, by prolific British writer 'James Hadley Chase' (real name Rene Brabazon Raymond), was banned by the Board in 1939. 'A gangster novel about the kidnap, torture and rape of the daughter of a millionaire,'⁵⁵ it was the subject of a 1944 essay by George Orwell criticising its cruelty and sadism. He saw such pulp work as symptomatic of broader tolerance of fascism: 'It is a daydream appropriate to a totalitarian age'.⁵⁶ *No Orchids for Miss Blandish* sold half-a-million copies in the UK, despite wartime paper shortages, but was placed on the British secret 'black list' of banned books in the early 1950s.⁵⁷

The LCB banned it in 1939. Binns declared: 'This is a most repulsive book. It is brutal – a gangster story of the worst type and certain sexual incidences are thoroughly low.' Allen and Haydon both used the cover blurbs to show a lack of serious intent, quoting the line: 'The publishers, printers and readers of *No Orchids for Miss Blandish* are still convalescing from the shock.' Sensationalist, brutal and perverted was the Board's verdict.⁵⁸

'Darcy Glinto' (Harold Kelly) was another of the hard-boiled school whose books were targeted. The Board banned his *Lady – Don't Turn Over* (Wells Gardner, London, 1940) in November 1941. A gangster novel about the white slave trade, its cover declared: 'If this is too tough for you to read, then *Lady – Don't Turn Over*'. Glinto's *Road Floozie*, about a sex worker employed by American truck drivers, was described as an 'expose' or 'a

warning' on the cover but as 'pure pornography' by the Board, which rated it a cheap book from 'second rate' publishers and banned it in March 1942. Four months later, Glinto's *You Took Me . . . Keep Me*, about a truck driver involved in rape and abduction, was also banned. With Chase, Glinto was fined for producing obscene publications in London in 1942, the British DPP describing Chase's *Miss Callahan Comes to Grief* with marked distaste: 'The book in question described acts of debased sexual perverts, and the appeal was to sadism. There were descriptions of the stripping, beating, torturing and raping of young women.'⁵⁹

Lady, Here's Your Wreath (Jarrold's, London, 1940) came to the Board under 'Raymond Marshall', another of Rene Brabazon Raymond's pseudonyms, and was rated a typical American crime novel, despite its UK origin. It was found to have violence and coarse sex scenes but not to be indecent, and was passed by the members in March 1942, but the Minister Richard Keane intervened and banned it.⁶⁰ Raymond came before the Board again for Chase's *I'll Bury Your Dead* (Hale, London, 1953), which was passed in April 1953. By then Chairman Allen wondered whether all publications like it could be handled by Customs officials under Item 14A without needing to come to the Board.

Mickey Spillane's hugely popular crime and detective thrillers were subject to banning in Australia from 1951 to 1971. His very first book, *I The Jury*, which sold an estimated six-and-a-half-million copies in the US alone, was recommended for release by the Board but banned by the Minister under Item 14A in July 1951. By 1980, Spillane's books included seven of the fifteen bestselling US titles of all time. His Mike Hammer novels *Kiss Me Deadly*, *One Lonely Night*, *The Big Kill*, *Vengeance is Mine* and *My Gun is Quick* were all banned by 1953, and between 1954 and 1965 their French and Italian translations too. Known for higher levels of sex and violence, the Tiger Mann series was banned in the 1960s. More than 22 Spillane titles, including translations, were banned in a twenty-year period. Many of them were gradually released from 1967, but an appeal from publisher Gordon & Gotch for the release of *The Girl Hunters* and *The Big Kill* in 1969 was refused.⁶¹ While Hollywood filmed his thrillers as big-budget noir and Hammer became a pop-cultural phenomenon around the world, Customs carefully kept many of Spillane's mega-sellers out of Australian bookshops. The Customs reference library spills over with Spillane books, as edition after edition and translation after translation was added to the list.

The censors objected to the morals of pulp novels as well as their violence. By the author of *The Guy from Coney Island*, Jack Hanley, *Let's Make Mary: Being a Gentleman's Guide to Seduction in Eight Easy Lessons* (with illustrations, 1937) didn't make it past the clerks in the 1930s. Ruth Lyons' *Hotel Wife* (1933) was the kind of Macaulay Company publication that led C. J. Brossois to class Jean Devanny's *The Virtuous Courtesan* as a 'sex novel'. Customs handled many titles that crossed from crime pulp into sex pulp, confirming for them pulp fiction's reputation as verging on soft porn. Dulcie Saucier's *The Night is Blind* (Hutchins, 1941) was banned for including the seduction of a married woman. Donald Henderson Clark's *The Housekeeper's Daughter* (Triangle Books, 1939), described as 'trashy pornography', 'sexy', 'sophisticated', and 'typical', was banned in May 1949 despite having been in print ten years. Film-maker Jack Woodford's *The Hardboiled Virgin* (Avon Book Co., 1947) was classified as just another 'sexy' book for the US market by Binns, who banned it also in May 1949.

In November 1950, Frank Meere as Acting-Comptroller General sent a large group of novels for the Board's consideration, each with a separate covering letter. Bryan described them as 'sexually suggestive publications' and the Board submitted a stand-alone report on the phenomenon.⁶² Published by Quarter Books, Star Publications, Lion Books, Newstand Library, Red Circle and Signet, the books included titles like *One Night with Diane*, *Passion's Mistress*, *Sinful Life*, *The Devil's Daughter*, *Call House Madam* and *Leg Artist*. Bryan's report on Homer Hatten's *Bride of the Sword* (part of a swatch of three Red Seal books, banned in February 1953) is typical of the Board's weary, over-stimulated disapproval of pulp's predictable concerns: 'The girls' tawny breasts are always tantalising her men, and at moments her thighs tremble with anticipation. There is a great deal of hot-blooded suggestion in such descriptions and I can only believe they were put there for their titillating effect.'

David Greenwood's *Love in Disbevelment* (Fawcett publications, N.Y. 1955) was passed by the Board in April 1957 but Derek Scales, Professor of Modern Languages at Canberra University College and appointed to the Board in 1954, recommended banning merely because of the lurid cover, which he declared too suggestive and 'unfit for public display'.

Horror

Sex may have blurred into crime pulp and vice versa under Item 14A, but the Board was able to identify horror as a separate tradition and defend it as

literary and legitimate.⁶³ In June 1939, the Comptroller General forwarded four titles to the LCB, sent to him by the WA Collector of Customs.⁶⁴ They were targeted because they included short stories from the seminal horror magazine *Weird Tales: A Magazine of the Bizarre and Unusual*, already prohibited under Item 14A. ‘Do these books emphasise matters of sex or crime unduly? Are they calculated to encourage depravity?’ asked Allen’s report. Finding nothing obscene in the stories, Allen continued: ‘as regards the theme of horror, account must be taken of the fact that the mystery and terror of the Borderland have always fascinated the imagination. The greatest writers have occupied themselves with such themes’. ‘Whether his technique be superior or inferior’, it was necessary to consider if a writer ‘displayed sufficient taste to keep him within the limits of reasonable refinement’. The Board decided that in this case the writers had.

The censors’ library holds two issues of *Weird Tales*. Volume 32 Issue 5, from November 1938, includes Thomas P. Kelley’s story ‘I Found Cleopatra’ with the cover illustrating its central scene, as well as stories by Robert Bloch, Thorp McClusky, Paul Ernst, Seabury Quinn and fantasy great H. P. Lovecraft. Its imagery – black-and-white etchings of young women in clinging, flowing garments in misty locales – is sexualised but not risqué in a 1930s context. The next issue’s cover, however, features a naked young woman conjured by black magic from the mouth of a skull. Images like these perhaps show us something of what Customs objected to as ghoulish and lacking in ‘taste’ or ‘refinement’.

US critic David Cochran argues that American pulp and popular fiction offered a dark and highly critical portrait of the underbelly of US culture, particularly through the Cold War years. Other critics suggest that what was offered was an admixture of conservative law and order values – where the criminal are always punished and the forces of law are always upright – with a hyperbolic version of sexualised human relations, of lust, jealousy, betrayal, exploitation and greed.⁶⁵ In hardboiled crime pulp, however, the law was far from upright – Orwell’s reading of Chase notes that both law and gangsters were corrupt, and what mattered was power.

Pulp’s sensationalism was never realist, despite the claims of the true-crime genre, and its features did not differ in Australia. The popularity of Australian and Canadian pulp authors in the US and the success of British writers like Rene Raymond suggest that pulp had a larger role than reflecting America to itself. Pulp’s mix of crime or horror and sex returned

to old-fashioned terms and descriptions for sexual variance, too, such as sex 'deviants' and 'sex fiends'. By the 1940s these were disappearing from the moral language of the censors but still sensationalising the fictional mean streets. The appeal of such admixtures both provoked and depended upon the moral frames established by censorship.

The codification of the excessive representation of crime within Australian censorship law, as early as 1938, is one distinct way in which Australian regimes exceeded British and US practice.⁶⁶ Perkins' legislation did not prove adequate, however, and even as the changes were debated in federal parliament through September 1938, the *Sydney Morning Herald* and other newspapers, with journalists, teachers, writers' groups and some parliamentarians, were calling for the use of tariff restrictions to prevent the continued 'dumping' of US magazines and comics, and to protect Australian writers and the publishing industry. War intervened and import restrictions were imposed anyway on all goods from 'non-sterling countries' which 'have been graded as unimportant goods',⁶⁷ while Customs records indicate that specific tariffs directed at US mass-market publications were eventually implemented on 1 April 1940.

In a later report to the NSW Premier, the state's Child Welfare Advisory Council outlined that Table A of those regulations banned:

Comic strips; pictorial strips; pulls therefrom; all comics; western and similar fictions; love and romantic stories; motion picture and radio magazines; illustrated publications; back dated magazines and periodicals; home and fashion publications; sundry magazines and periodicals of little merit and unnecessary to the Australian economy; children's books; fashion plates, photographs; drawings etc., similar to fashion plates; and short stories.⁶⁸

Publications from the UK were 'entirely free' from import licensing, but this restriction on such a wide variety of US material had significant effects in Australia. The most long-lasting was the boost it gave the production of original Australian genre fiction, magazines and comics.

Local publishers such as Currawong, Horwitz and Cleveland began to print locally sourced genre fiction of many kinds to fill the gap in the market. Pulp historian Toni Johnson-Woods notes that, 'by the 1950s, hundreds of thousands of new titles were printed each month – protectionism had created

a cultural space that allowed such prolific pulp writers as Gordon Clive Bleeck and Alan G. Yates [better known as ‘Carter Brown’] to flourish’.⁶⁹ Bleeck and Yates wrote nearly 300 novels each in the period from the early 1940s through to the late 1950s, when tariffs were finally removed, while Len Meares as Marshall Grover wrote more than 400.⁷⁰ The *Canadian War Exchange Conservation Act* (1940), restricting American products in Canada, had the same effect on the pulp magazine industry there, the 1940s proving a ‘golden age’ for Canadian true-crime writing and other genres.⁷¹

The NSW Child Welfare Advisory Council, protesting at the influence of American pulp in 1950, declared, however, that the Australian ban ‘was never rigidly enforced, and the banned material could still be found on every bookstall and in many newspapers’. By the late 1940s, after some wartime restrictions had been removed, newsstands hosted a reading smorgasbord of cheap publications, made of syndicated US material excerpted in Australian magazines, Australian versions of US work, and original pulp product from the UK, Canada and Australia. Private mail carried US material through to Australian producers who then reproduced it. It was clear to many that Customs’ apparently strong powers under Item 14A were proving ineffectual.⁷²

The comics panic

From the late 1940s to the later 1950s, Australia was gripped, as were the US, the UK, France, Canada, South Africa and New Zealand, by panic about the moral effects of cheap picture magazines on the young.⁷³ ‘Since the war a flood of sadistic, sex-ridden and cretinous paper-backed literature has swamped Australian bookstalls and spilled over into growing pools on the counters of even the most respectable newsagents,’ growled Norman Bartlett in an article for *Meanjin* in 1954.⁷⁴ In the same year, New York psychiatrist Fredric Wertham published his *Seduction of the Innocents*, an exposé of the terrible effects comics had on young readers in American cities, supported by his work with ‘juvenile delinquents’. Customs officers clipped reviews of the book from *The Listener* of March 1955.⁷⁵ Comics were accused of being excessively violent, pornographic and derogatory towards women and non-whites, and of endangering the moral health and literacy of youth around the world.

In Australia, newspapers campaigned, community organisations across the spectrum – from the Baptist Church to the Australian Communist

Party – protested to governments, shire councils and public schools wrote to legislators, and professional educators and psychologists lobbied hard.⁷⁶ The Queensland Trades and Labour Council ran a long campaign, coordinating protests from unions and organisations across the state. Protests were heard in the Western Australian, New South Wales and Victorian parliaments, as well as federally.⁷⁷ By 1954, almost all of Australia's state governments had enacted new legislation to restrict the circulation of mass-market picture publications, accepting that federal Customs powers were just not enough.

Now dubbed the 'comics campaign', at the time comics were not the only products at issue. Bartlett divided the offensive publications into different types: nudist publications or 'naughty nudies'; 'picture peeps', which were 'corruptions of the popular *Pix* and *Look* style of magazines, which themselves resort more and more to cheesecake'; the comics, directed to adults or to children, but sometimes to both; and pulp fiction, cheap American sex and romance novels 'with varnished art-board covers in primary colours'.⁷⁸ Pulp genre fiction was also presented in magazines, especially crime and horror: *Special Detective*, *Revealing Detective Cases*, *Best True Fact Detective*, *Dime Mystery Magazine*, *Fighting Western* and *Law Breakers Always Lose* were all banned under Item 14A by federal Customs in 1950; the count of banned magazines would be more than 100 by 1952.⁷⁹

UK sociologist Stanley Cohen memorably deployed the concept of the 'moral panic' in 1972 to characterise public reaction to fights between Mods and Rockers in 1960s Britain. Kenneth Thompson notes that a central characteristic of a moral panic is that the threat perceived is 'not to something mundane – such as economic output or educational standards – but a threat to the social order itself'.⁸⁰ Historians have suggested that elements of the comics campaign epitomise Australian responses to foreign – especially American – cultural influences, arguing that what was at stake for local versions of the panic was Australian cultural identity itself.⁸¹ The idea is that this produced the element of 'disproportionality' – an alarm greater than the threat warranted – that Thompson identifies as a key feature.⁸²

Comics became a target for educators and the developing 'whole child' approach in child psychology, and were the focus of parliamentary debate.⁸³ For postwar economic reconstruction and the rise of the middle-class, the reading habits of children and teenagers represented national aspirations towards universal literacy, health and responsible prosperity.⁸⁴ The determinist link between reading offensive publications and moral decline

has been contested and rethought retrospectively, but historians have done so without real attention to what was actually in the comics. The tenor of the concerns has been gauged by the advocacy, but the alarm has not been measured against the magazines and comic books themselves.

NSW Labor Premier Jim McGirr wrote to Prime Minister Robert Menzies in February 1950 outlining his government's concerns. He enclosed the report commissioned from the NSW Child Welfare Advisory Council on the 'control of undesirable literature'. The report is lengthy and forthright, citing previous Australian and US research, including the results of a 1945 survey of '58 bookstalls, newsagents and lending libraries in Sydney and Newcastle' which showed that 'demand then greatly exceeded the supply'. The Council also drew on international press reports, noting the passage of French censorship legislation in 1949:

We know beyond question that comics form the major part of children's out of school reading, and that magazines such as 'Oracles', and 'Miracles', 'True Confessions', etc., are outstandingly popular with adolescent girls; that the demand for 'Champion,' Westerns', comic and comic strips, is heavy on the part of boys . . . [L]iterature, and thrillers, and comics of this type, many of them devoted to the activities and escapades of criminals, gangsters, confidence men; to the erotic and glamorous adventurings of men and women; to the horrors of blood and thunder stories, are readily available to children of all types.⁸⁵

Crime and delinquency formed only one aspect of the objectionable content: the emphasis in romance magazines and comics on dating, seduction, physical engagement and the activities of 'career girls' living away from their parents seemed another large problem, for the parents and educators of girls in particular. Horror and 'terror' comics were of concern because of their emphasis on the ghoulish and grotesque and the sexualisation of that interest. And 'super-human' heroes were also concerning as unrealistic models for children that emphasised crime and violence.

True Confessions magazine figured in the moral panics around the world. Featuring apparently 'true' stories from or about young women, it was a precursor of contemporary popular magazines, exploring the drama and tragedy of outlandish or 'sordid' events in everyday lives, crossing also into

the true-crime genre. Besides being nominated by the NSW Child Welfare Advisory Council, it was singled out in parliamentary debates. Customs inspected every single individual issue of *True Confessions*, but banned only the January 1956 issue and issues from 1959 and 1960. *True Love Secrets* was banned in 1957, *My Romance* was banned from issue number 15 in 1964, and most issues of a magazine called *My Love Story* were banned as late as 1972, all released in 1974.⁸⁶

From the early 1950s, Customs banned many horror comics, including multiple series spin-offs from the successful *Weird Tales*. The *Weird Terror*, *Tales of Terror*, *Mystery Tales* and *Horror Stories* series are held in runs of issues in the censor's library, in various versions and from different mainly New York publishing houses. These comics gloried in the grotesque and macabre, rather than merely spooky, with trademark brightly coloured graphics that often featured the rescue of a big-breasted woman in a clinging dress from ghosts, vampires, werewolves or other supernatural creatures. *Horror Stories* was in fact banned three times while never released: first in 1938, under Item 14A, again in 1950, and finally in 1971, each time from a different publisher.⁸⁷ Comics like *Weird Science*, *Weird Tales of the Future* and *Weird Fantasy* (all from Canadian publishers in the early 1950s) moved into the hybrid genre of horror sci-fi, featuring vampires in outer space, for example, and again involving women with out-sized breasts – sometimes as the victims, sometimes the villains.

'True' sci-fi comics like *Journey into Unknown Worlds* feature in the Customs library, as do superhero sci-fi comics like *Tarrano the Conqueror* or *Attack on Planet Mars*. The war-comic titles *Battle!*, *Attack!*, *Fighting Airforce*, *Combat Action on the Battlefield* and *Blackhawk* were banned; as were *Black Magic* and *Voodoo*, crime thrillers featuring magic. Sensationalist comics like these did not always signal that their audience was an adult one. Issue number five of *Black Magic*, a UK comic promising 'True Amazing Accounts of the Strangest Stories Ever Told!' featured a young boy on its cover, his eyes blanked.

Others marketed themselves to a juvenile readership while providing what may be regarded as adult content. *The Purple Claw!* was a superhero comic, the genre by the early 1950s diffusing into numerous titles featuring young, clean-cut men with super-human powers distinguished by the increasingly bizarre mutation each used to fight crime and save women. This comic featured a young man with one hand replaced by a large purple

claw. Its far from accomplished illustrations show him clubbing villains of different kinds with the claw as a busty woman in a tight dress falls from the villain's clutches, herself narrowly missing the claw. Interspersed with these are advertisements directed at primary-school-age boys: 'Yes-siree – when a boy wants trains he wants Lionel Trains'.

Some magazines were clearly for adults despite their covers sharing many elements with *The Purple Claw*! 'The Men's Magazine of Exciting Fiction and Fact' was *Adventure*'s subtitle, and it featured stories like 'Girl for all Reasons' and 'Your Secret Love Foe – The Shadow Sex' (about lesbians). One graphic cover depicted a generic western scene of struggling cowboys and Indians, with another kidnapped blonde losing her dress. This kind of blurring, in this case between adult men's 'girlie' magazines and 'boys' own' adventure-style comics, was a feature of these publications and is in part an effect of our contemporary reading practices, now informed by stricter categorisation. We're unfamiliar with the adult comic now, too, except in the later, satirical sex-romp style of *Viz* magazine or of artists like Robert Crumb (also banned by Customs).⁸⁸ But it can also be seen as a reflection of the reading tastes of teenagers through those years. Neither child nor adult, borrowing and buying publications outside the family for the first time, the teenager was a new kind of consumer.

Agitation about comics in the US resulted in some attempts at self-regulation in the industry, including an educational advisory committee established by the Association of Comic Magazine Publishers. The big publishers issued their own codes for acceptable content. A sixteen-month investigation into juvenile delinquency by the US Senate Judiciary Subcommittee resulted in a report titled *The Shame of America*, and this was extracted by clerks in the NSW Customs office in 1955. It declared that 'this traffic in filth' was reaching children 'by the car load and truck load' despite the industry's efforts.⁸⁹

In Australia, coordinated action at different levels of government seemed necessary and a push for uniform censorship began. The NSW Child Welfare Advisory Council called for the use of Customs' Section 52(g) proclamations powers, while also noting Australia's need to preserve its currency reserves in 1950: 'as most of [the publications] are from the United States, the moral case is strengthened by economic considerations at the present time'. In a memorandum to the Office of Prime Minister in April 1950, Comptroller General W. T. Turner spelt out Customs' position.

'Several comic books have recently been declared prohibited imports' under the terms of Item 14A, he reported, 'but there would be great difficulty in administering a prohibition of "undesirable" comics'. This was because the large majority of publications were published in Australia using 'both local and imported art materials'. The government's best course of action was to advise the states to take 'concerted legislative action'.⁹⁰ The Office of the Prime Minister summarised this and similar advice from the government's Publishing Industry Committee in letters to all state premiers soon after.⁹¹

'Discussion of Children's Literature (Comics)' was then listed on the agenda for a meeting of state premiers in July 1952. There, Menzies pushed for collective action, emphasising that domestic publications were beyond federal power, and the premiers agreed. In discussion, Thomas Playford from South Australia listed *The Australian Sunbather* as a title of concern, while Robert Cosgrove from Tasmania singled out *Young Romance* and *True Love Stories*. A conference of state officers in November 1952 then agreed that each state should 'widen the definition of "obscenity" in its own laws'.⁹²

This was not quite what occurred. The Labor governments of NSW and Victoria introduced provisions into the *Obscene Publications Act* and *Police Act* requiring registrations for publishers, which could then be withdrawn (1954, 1955) – quite a different dragnet. Amendments to the NSW *Obscene and Indecent Publications Act* in 1951 had already redefined obscenity to include 'any matter which emphasised unduly matters of sex, crimes of violence, gross cruelty or horror' and required publishers and distributors to register as importers.⁹³ Victoria's *Act* also already had provisions similar to the *Customs Act*'s Item 14A, while both NSW and Victoria had legal recourse to literary merit. This did not mollify opponents to the 1954 Bill's passage in the NSW parliament, where the conservative opposition declared that it would send reputable publishers out of business.⁹⁴ The amendments in effect countered the liberal approach encoded in the 1946 *Act*'s defence of literary merit, so that after 1955 NSW courts did not distinguish between adult and adolescent publications, while Victorian courts refused literary merit as a defence on more than one occasion.⁹⁵

South Australia modified its *Police Offences Act*, which had been used so bluntly against Max Harris, but not significantly. Western Australia's *Indecent Publications Act*, which contained no definition of obscenity, did not change at all. In contrast, the Queensland Labor government introduced a whole new *Objectionable Literature Act* in 1954 and created its own state-based

ensorship agency, the Queensland Literature Board of Review. Modelled on the pre-publication Irish Censorship Board and consisting of a chairman and four members, appointed by the Governor, this Board could and did ban both domestic and imported publications from the state even if they circulated in the rest of the country. By 1956, three publishers had challenged its decisions in the Queensland Supreme Court and then the High Court, which in November 1956 overturned convictions under the Queensland *Act* for producing *Real Love Romance Story* and *Darling Romance*. On the same day as this decision was reported, however, newspapers also noted new bans from the Queensland Board on nine comic books, most of them horror or war comics but also the title *Love Illustrated*, which could all circulate in the other states.⁹⁶

Tasmania similarly introduced its own censorship board, under a new *Objectionable Publications Act* that echoed the Queensland *Act* in its emphasis on 'objectionable' rather than obscene or even indecent publications, but unlike Queensland gave no provision for appeal, even to the courts.⁹⁷ This was an extraordinary action for a state with a population then numbering under 300,000.⁹⁸ The Catholic Labor Premier of Tasmania Robert Cosgrove in fact had been far from satisfied with the outcomes of the premiers' conferences and wrote so to Menzies. He was not convinced that police prosecution would be an adequate measure and felt very strongly 'that the only effective control that can be maintained is by introducing a system of censorship prior to publication'. He had suggested that the federal film censorship board take up responsibility – Tasmania, Western Australia and Queensland had delegated responsibility for film censorship to the commonwealth in 1949.

Menzies replied as to the limitations on federal power, while the Comptroller General brought the Literature Censorship Board to Cosgrove's notice, emphasising that the members are selected 'for their academic qualifications and literary ability' whereas the Film Censorship Board's members 'are appointed with a view to the particular function they perform . . . and they are not necessarily qualified to examine and pass opinions on literature'. He then noted that the 'vast quantities of comics and similar publications' printed in Australia would require a much larger body, beyond the scope both of Customs and of its *Act*. So the Premier took his own action. Publications were subject to Tasmania's Board of Review until the early 1970s, while the Queensland Literature Board of Review distinguished itself as a vigorous censor for the next three decades. Queensland readers are

still subject to regimes that mean they can read fewer publications than their counterparts in all the other states.

This piecemeal approach from individual states did not mean that the panic was not enacted as a national crisis. *Meanjin* Editor Clem Christensen's nationalist concerns echo those that motivated writers' groups to lobby for protection and tariffs: 'Surely any country has a right to protect its own culture from being perverted and corrupted by debased forms of a foreign culture. If a country does not take vigorous steps to combat such cultural aggression, its own indigenous art forms will disappear.'⁹⁹

In the heightened political polarities of the Cold War, American cultural forms in Australia had no small political meaning. Mark Finnane has reminded us strikingly, however, that the comics campaign actually saw non-conservative forces line up with conservative morality, including in opposition to the glorification of violence after World War II.¹⁰⁰ Certainly the numbers of war-comic titles banned by Customs suggest a link between the panicked concerns about violence and the international politics of peace.

The question of the representation of 'coloured people' in comics, which was identified by Wertham as generally objectionable, played out in significantly different ways in Australia as well. The use of racial stereotyping in Australian comics from the period is predictable, as is an exploitation of outback locations, conjured as vast but conquerable wilds populated by savages.¹⁰¹ Racism in comics does not present as an issue of concern anywhere in the Australian debates, however, and the 1938 concerns of the Cultural Defence Committee show it informing rather than affronting the various forces for censorship. The sexualised representation of white women as victims of sexual predation and violence was of significant concern to lobbyists, while women's 'hypertrophied' bodies continued to be the central galvanising fetish for both popular eroticism and its censorship.

The comics campaign brought state premiers together about censorship for the first time, demonstrating dramatically the need for a centralised censorship agency with power over all jurisdictions, even while the states resisted. Conflicts between national and state censorship flared in the late 1950s, as Victoria in particular used the courts to ban titles released by the LCB while Queensland and Tasmania banned others directly and often without press coverage. Australian readers were subject to different regimes and standards between states. After their release by Customs, vice squad prosecutions in Melbourne meant one could buy Caldwell's *God's Little*

Acre or US novelist Charles Orson Gorham's *Carlotta McBride* in a NSW bookshop but be prosecuted for taking them across the border.¹⁰² Movement towards establishing a national publications censorship body began with the comics campaign and periodic premiers' conferences considered the possibility until the National Literature Board of Review was established in 1967.

The 1950s witnessed a peak in censorship powers in Australia, the multiple regimes and additional legislation tightening the mesh of control. It was not merely popular and pulp publications that were caught, either. Much less popular, even avant-garde fiction from the US and Europe had taken Henry Miller's lead by then and was venturing into high-brow literary obscenity. Writers like Jean Genet, Jean-Paul Sartre, Anaïs Nin and Vladimir Nabokov were asserting claims to the 'free' expression of desire and sexuality, and their books challenged key tenets of the Australian regime. In September 1956, some of Miller's banned books were allowed into Sydney University library.¹⁰³ By the end of the decade, major shifts in obscenity law had occurred internationally and Customs again witnessed rising hostility to censorship, as titles respected elsewhere faced clumsy bans here, attracting ridicule. In 1958, Customs had to allow at least its long-sustained secrecy about censorship to finally weaken.

The censor poets

From the beginning of federal publications censorship in 1901 until the late 1950s, the list of banned titles was not publicly released and no systematic review of it undertaken. Titles languished there without public knowledge, some for more than 30 years. By the second half of the 1950s, the censors themselves had become almost permanent institutions as well. Dr Allen had been a censor since 1933 and Chairman of the LCB since 1937, and Kenneth Binns had been a member since 1937. Professor E. R. Bryan from Duntroon was appointed to the Board in 1949, to replace founding member and French expert Professor Haydon. Two further members, Dr F. M. Todd, and Derek Scales, both from Canberra University College, were appointed in 1953 and 1954, Scales replacing Todd when he spent significant time overseas in the late 1960s.¹ When Sir Robert Garran died in January 1957, still Appeals Censor at 89, he had been a principal censor for 27 years.²

Garran's death seems to have been part of an accumulation of events that threw the out-of-date censorship system into administrative relief. The Department of Trade and Customs split its functions in 1956, and Customs saw a 'dramatic diminution' in its power and influence, which continued, David Day suggests, because its 'invidious censorship function . . . gave it a wowserish, old-fashioned image and exposed the department to inevitable ridicule'.³ After Denham Henty's appointment as Minister in October 1956, debate began within the department about how to improve the 'censorship secretariat', acknowledged to be 'badly equipped organisationally'.⁴ Special censorship units took over from earlier arrangements to deal with the volume of material. The New South Wales publications section reported in

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July 1957 that it had reviewed 2872 publications in the last twelve months, of which 1071 were banned.⁵

In May 1957, the Comptroller General F. A. Meere wrote to Henty about three problem cases on which his opinion differed sharply from the Board's. The LCB had recommended the release of *A Sort of Beauty* (later published as Jack Reynolds' *A Woman of Bangkok*), N. Martin Kramer's *The Hearth and the Strangeness* and Grace Metalious' bestseller *Peyton Place*. Allen had concluded that *Peyton Place* 'is not pernicious and, if read in the proper light, is instructive'.⁶ Meere asked that the Minister overrule the Board on all three, arguing that the 'overall emphasis on sex' was excessive and that too much weight had been given to literary merit. 'I feel that the question of prohibition must be determined on a judgment as to whether it unduly emphasises sex, irrespective of whether the book is well or badly written.' He acknowledged that overruling three recommendations would appear as a lack of confidence in the Board but suggested: 'If there is such a lack of confidence I feel that action should be taken at the first appropriate occasion to change the personnel.'⁷ Henty released all three titles but by the end of that year Metalious' notorious book had been placed on the banned list, where it would remain until February 1971, along with its Italian translation and its 1960 sequel, *Return to Peyton Place*.⁸

Meere again complained to the Minister in discussions about the vacant Appeal Censor position through June and July of 1957. Noting that the members' appointments did not expire until June 1958, Meere made his reservations plain:

As you are aware, I am somewhat concerned at what I consider the very broad outlook of the Board in recent recommendations . . . My view is that the Board, on a number of occasions, has given undue weight to literary merit and in doing so condoned the presence therein of blasphemous, indecent or obscene matter.

He noted Henty's approval, in July 1957, of a four-person Appeals Panel and agreed that appointees should be sought for both it and the Board from 'certain women's organisations'. Meere favoured elevating Allen to the position of Appeal Censor as an interim measure, leaving Binns as Chairman until all of the members' terms expired.⁹

Internally the Comptroller General pushed for stricter measures,

looking to oust Allen for his liberalism, perhaps reflecting the broader Australian mood that had tightened state censorship in the preceding years. In the wider world, however, critique of severe censorship had had results. In June 1957 in the US, a foundational redefinition of obscenity was occasioned by the *Roth vs. United States* case, in which mail-order proprietor Samuel Roth was convicted for sending erotica through the post. Justice Brennan described obscenity as definitively opposite to the aesthetic, defining it by default as 'that which is utterly without redeeming social importance'.¹⁰ In a series of trials across the US through the late 1950s and early 1960s, this ruling was used to argue that art and literature by definition, therefore, could not be obscene. These culminated in another ruling from Brennan releasing Henry Miller's *Tropic of Cancer* and Louis Malle's film *Les Amants*: 'it follows that material dealing with sex in a manner that advocates ideas, or that has literary or scientific or artistic value or other form of social importance, may not be branded as obscenity'.¹¹ A book's literary value or social importance was measurable in its recognition by experts – critics, publishers, authors – men whose profession was reading.¹²

In the UK in the same year, the Wolfenden committee released its breakthrough report arguing for the legalisation of homosexuality and prostitution. Then in 1959, after five years' intense lobbying from authors' and publishers' groups, the British government passed a new *Obscene and Indecent Publications Act*, encoding 'for the public good' as a defence and significantly distancing British law from the Hicklin test of obscenity for the first time.¹³ Both the Roth decision and the 1959 British *Act* were cited by Australian parliamentarians in contemporaneous debates about censorship, and in 1965 Customs declared that the British *Act* had 'ushered in an era of freedom of expression which has probably never been paralleled in the annals of literature'.¹⁴ While the US and UK were recognising the claims of art to special protection in ways that would transform not just literature, but public representation in general, Comptroller Meere did his best to refuse artistic or literary merit as any defence of explicit sexual meaning in Australia.

On 16 September 1957, *Sun* journalist Oliver Hogue reported on a Melbourne-based campaign to have the 27-year-old ban on Norman Lindsay's *Redheap* lifted. In the same week, the papers reported the end of Dr Allen's long term as Chairman of the LCB and his new role as Appeal Censor. And at the end of that week, Harold White, the National Librarian, noticed a copy of the well-known American novel *The Catcher in the Rye* by

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J. D. Salinger in the Parliamentary Library. White was obliged to remove it because the book had been banned in Australia since 21 August 1956 – without reference to the LCB.¹⁵

Protests were voiced in Parliament, declaring the ban on the novel a national embarrassment,¹⁶ while Peter Coleman noted in a letter to the *Sydney Morning Herald* on 20 September that American ambassadors had not ‘hesitated to donate it to foreign libraries as a fine example of American literature. This is an unusually stupid piece of censorship’.¹⁷ Reports and protesting correspondence in the national press were widespread, but they did not generally agree that it was an ‘unusually’ stupid instance.

The headline in the *Sydney Morning Herald* was ‘Australia’s Book Censorship – Arbitrary, Clumsy’, and the editorial the next day declared ‘Censorship by Customs Clerks Must End’. ‘The facts are’, stated the staff correspondent:

that Australia’s list of banned books runs into hundreds; that no one except Government officials knows for sure what is banned; that not all books imported are read, though all are subject to censorship; and that the Customs Department, which does the censoring, sometimes holds books for months before declaring they are safe for public consumption.¹⁸

The *Sun Herald* noted that *The Catcher in the Rye* was set on reading lists in leading US universities, although the title would later attract protests from American schools and libraries.¹⁹ The Dean of Melbourne, the Very Reverend Dr Barton Babbage, attacked the ban as ‘an act of incredible ineptitude’ and declared it was ‘high time that censorship regulations were reviewed’.²⁰

Henty had to act. By 7 October, members of the LCB had furnished reports on Salinger’s novel. Bryan described it as ‘uncannily successful in presenting [an] adolescent mentality through a first person account’. ‘American teenagers are likely to be freer on sexual matters than our own and the book is sprinkled with expressions you need to get used to . . .’ he noted, adding that ‘fuck’ appeared several times. ‘But the important thing is that the boy’s attitude is essentially chaste.’ The Board, chaired by Binns, had ‘no hesitation’ in recommending release and the Minister acted on its advice. Three weeks later in the federal Senate Henty announced a wide-ranging

review of censorship administration. The *Sydney Morning Herald's* editorial noted that he had 'clearly been influenced by the sustained critical force of arguments which have lately been brought to bear upon this long-standing system'. The *Bulletin* also voiced its approval.²¹

The 1958 review

The reforms were four-pronged. The entire banned list itself was to be reviewed for the first time in its history, by the members of the LCB, and these reviews would be repeated every five years. The list was then to be made public and gazetted in parliament regularly. New members of the Board were to be appointed, including a woman. And university libraries would be permitted to import titles on the restricted circulation list without requiring specific permission from Customs. (This arrangement was formalised in 1960 but the treatment of James Baldwin's restricted *Another Country* shows that that concession was far from guaranteed.)

The *Sun-Herald* reported on 10 November 1957 that 'the first spring cleaning since Federation of the secret list of banned literature in Australia is now in progress'. The Literature Censorship Board was reported to be reviewing the list: 'Officials said yesterday that members of the Board, who were all men with life-times devoted to literature, would be able, from their own judgment, to make a first "culling out" of works that should be freed without necessarily reading them'. An editorial in the same edition applauded the decision that censors should 'work in the daylight'.

On 14 April 1958, Henty announced that with the completion of the review the banned list had been reduced significantly. 'The number of books on the revised list is 178', he told Parliament, with pride.²² This seemed a dramatic change of culture. 'Such works as *Redbeap*, *God's Little Acre*, *Appointment in Samarra* and *Apples Be Ripe* became freely available for the first time,' celebrated Coleman in 1962.²³ Devanny's *The Butcher Shop*, on the banned list since 1929, was also released, as were *The Virtuous Courtesan*, Harcourt's *Upsurge*, Stead's *Letty Fox*, John Dos Passos' *Nineteen Nineteen*, Winsor's *Forever Amber*, popular US humorist Thorne Smith's *Turnabout* and *The Bishop's Jaeger*, *The Love Poems of Ovid*, the Oscar Wilde translation of Petronius' *Satyricon* and the *Story of Venus and Tannhauser*, illustrated by Aubrey Beardsley. In the *Bulletin*, Douglas Stewart declared on the evidence before him that 'Australian censorship is in a very happy position'.²⁴

The 'banned list', however, did not consist of the literary list alone and

the 178 titles reported in the *Commonwealth of Australia Gazette* of April 1958 included only those that had a claim to literary merit but were still banned. That list included perennially banned titles like the Marquis de Sade's *120 Days of Sodom* and editions of the orientalist collection *The Perfumed Garden*, but also Vidal's *The City and the Pillar*, J. P. Donleavy's *The Ginger Man* and Walford's *Twisted Clay*, still banned from 1933, as well as *Love Me Sailor*. Other lists of prohibited titles that were 'not to be gazetted', as Henty circulated them within Customs, included those deemed uncontroversially pornographic or merely not literary, and were much longer. They included the 'Restricted List – Technical or Semi-Technical Publications' (which included *Fanny Hill or Memoirs of a Woman of Pleasure*), 'Transfer – Item 22' (which listed fourteen titles transferred from the 'literary' banned list to the excessive sex, crime and violence provision of the regulations), and 'Pornographic Publications' – a notably longer list.²⁵

Henty's statement to Parliament emphasised that 'the list covers those publications only which are deemed by the Literature Censorship Board to be of a literary character and therefore of special public interest'. The Minister wanted to make it 'quite clear that the list being released for public information must not be regarded as embracing all publications treated as prohibited imports'.²⁶ What the number also does not tell us is how many literary titles were on the banned list before the review; civil liberties activist Brian Fitzpatrick then estimated about 800.²⁷

Stephen Murray-Smith wrote of this moment:

The actions of 1958 inaugurated a new period in the history of censorship in Australia, marked not by an overall greater degree of sanity in book-banning (though that was there) but by the elevation of what had been a fringe issue to one which was a direct confrontation between the will of the government and the determination of much wider circles than ever before that the truth should make them free.²⁸

Self-censorship

The treatment of writer Hal Porter's 1963 autobiography, *The Watcher on the Cast Iron Balcony*, demonstrates the degree to which the mere possibility of censorship determined the activities of writers and publishers in Australia and internationally. Censorship prescribed the kinds of books they produced and

the kinds of writers they were seen to be. Before Porter's book was published in London by Faber in 1963, the Sydney and Melbourne distributors thought it proper to refer its proofs to the Sydney Customs Office. The *Daily Mirror* reported that it was considered 'doubtful': 'Some passages of the book deal with the author's early experiences of sex and a four-letter word is used several times. The distributors want a ruling on the book's use of a four-letter word before they release it for sale.'

While neither the minister nor the Board had yet seen it, the newspaper had contacted Porter himself, who said 'he did not care if censors banned his book. "It would be an advantage in a materialistic way. It would eventually increase sales . . . I don't know if the censors are right or wrong . . . The public might need to be protected from monsters like me."' ²⁹ Porter's book was released but his comments to the *Daily Mirror*, with similar for the *West Australian* and the Melbourne *Herald*, furthered the book's notoriety.³⁰

By the early 1960s, extensive censorship and broad debate about it had established a cultural climate in which the banning of a book was at once an everyday event, pre-empted by publishers and judged to increase sales rather than restrict access, as well as a serious indictment of an author's moral probity. Reviewing *The Watcher on the Cast Iron Balcony*, the Hobart *Mercury* took Porter's comments further, suggesting that he had deliberately attempted to have his book prohibited: 'Everybody knows that to have a book banned is a wonderful selling point'. Noting that 'the reader will find in it those Anglo-Saxon words on which Mr Porter based his hopes of being banned' the reviewer counselled that 'they are the same old words inserted in the same laborious way'.³¹

Porter sued for libel and was awarded £1000 in damages, a substantial sum, on the basis that it was injurious of a serious author 'to impute that he had deliberately introduced into his book words and expressions which connoted obscenity to the average reader (which he took the phrase 'Anglo-Saxon' to mean), and did so . . . to get his book banned if possible'.³² Judge Neasey found that this was 'gravely defamatory' and the case became a landmark for defamation actions in Australia.³³

Porter's tongue-in-cheek suggestion that the public 'might need to be protected from monsters like me' was disingenuous in more ways than might appear, however. Mary Lord's controversial 1993 biography of a man whom she knew for 40 years revealed not only Porter's long-hidden bisexuality, including two intense relationships with much younger men, but his sexual

abuse of one of her sons as a young teenager. *The Watcher on the Cast Iron Balcony*, dedicated to 'that best of friends, Kenneth Slessor', includes very little of this large part of his life and sexual practice, despite the book's widely publicised, not-quite-obscene frankness. Indeed, Noel Rowe argues that it is just this tone, conveyed through the narrator's heightened investment in lies, secrets, taboos, disguises, with their revelation, that draws our attention away from the traces of Porter's admitted pederasty.³⁴

Censorship did not just mean a certain coyness in word choice or the drawing of a narrative curtain over hinted-at instances. It repressed a spectrum of meaning, practices and knowledges about sex, lived and otherwise, which in other contexts, notably the US, had made their way into explicit and public representation by the late 1950s. Patrick White, deliberately public about his preferred sexuality in contrast to Porter, nevertheless did not explicitly explore homosexual or trans-sexual desire in his books until *The Twyborn Affair* in 1979. The dynamic, interdependent relationships between narrative, revelation, sexuality and identity meant that repressed meanings were never wholly absent in writing such as White's, though, and so both Porter's and White's fiction can be read for a much more adventurous or 'monstrous' sexuality than is sanctioned. Through the summoning of taboos, Porter writes against 'innocence', posits all sex as lies and all virtue as truth, even as it is sex and lies that make his narrators' authority. 'Porter's is, after all, a writing of corruption', says Rowe.

In an incident in 1989, *The Twyborn Affair* was singled out by a panel advising the NSW Minister on the removal of indecent books from the high-school English syllabus. White wrote in seeming despair to the *Sydney Morning Herald*: 'I'm sorry I wrote the wretched book. They may censor or not censor . . . nothing will make any difference . . . I'd rather have been a cook . . . I'd rather do that than be a writer.'³⁵ Protests from the English Teachers' Association and opinion and articles in other papers like the *Financial Review* saw the panel's advice ignored.

A. D. Hope's first book of verse, *The Wandering Islands*, his 'astonishingly strong, sexual and aggressive collection' as the *Oxford Literary History of Australia* describes it, was not published until the poet was 48, a belated release in 1955 because of publisher's fears about its confronting sexual content.³⁶ This was after Hope had established himself as one of Australia's most caustic voices against the cultural cringe. An intellectual yet highly sexualised, 'very masculine' poet, with an extensive repertoire of classical and

biblical tropes, Hope cast bitter accusations at a vividly conjured Australian cultural desert in his famous 'Australia', first published in 1943:

A vast parasite robber-state
Where second-hand Europeans pullulate
Timidly on the edge of alien shores.

His poem 'Imperial Adam', with its slyly misogynist rendering of Adam fucking Eve from behind, occasioned a lengthy correspondence between the writers Kenneth Slessor, Norman Lindsay and Douglas Stewart in 1945, as Slessor debated about whether to include it in the anthology *Australian Poetry 1945*, anxious not to offend the censor.

Slessor's decision to exclude it was approved by both Lindsay and Stewart. Extraordinarily, Lindsay decided that 'Hope has tried to do something that can't be done with good taste, or good art, and that is to try to define the sexual act in stark terms' and passed the poem to Stewart.³⁷ Stewart denounced Hope, reporting that his friends called him 'Phallic Alec' and describing him as an 'inverted puritan', while agreeing with Lindsay that the poem wasn't 'a big enough work to risk a fight over'. It appeared in Hope's *The Wandering Islands* ten years later without censorship, and was collected by Slessor with his co-editors John Thompson and R. G. Howarth in the 1958 *Penguin Book of Modern Australian Verse*. In 1963, Queensland Police referred that collection to Customs on the grounds that 'Imperial Adam' was obscene and Catholic schools withdrew the anthology from use. While the Customs examining officer did concede that Hope was 'the *enfant terrible*' of Australian literature, his determining opinion was that the poem was not obscene.³⁸

By the mid-1960s, Hope was joining the vociferous critics of censorship. As Professor of English at the Australian National University he was part of a 1964 anti-censorship deputation to Minister Henty, organised by the NSW Council for Civil Liberties and the Melbourne Freedom to Read Association, and he published a satiric poem in *Overland's* special 1963 issue on censorship, replaying lampoons from C. J. Dennis and Inky Stephensen in earlier decades.³⁹ In the second half of 1951, Hope had actually served as a censor, however, although he banned nothing, furnishing reports to Allen on Italian titles sent to the Board. His first report, on Alberto Moravia's *L'Amore Coniugale* and Vascoe Pratolini's *Un Eroero Del Nostro Tempo*, passed both titles

and informed Allen that they were already available in English translation. From August to October of 1951 four more titles required Hope's skills in Italian; passing all four, he noted that they were serious books by notable or respected Italian authors.⁴⁰

Holding the list of virtues

Hope was far from the only literary figure involved in the internal activities of censorship. An interesting conflict can be traced between the public roles of writers and literary critics, in which they were often asked to advocate freedom of speech, and their work as part of the regimes. So even as we might note a climate of intimidation and threat for writers who wished to write about topics that Customs found offensive, other parts of the industry and other writers were more accommodating, sometimes even stepping up as censor themselves.

For most kinds of censorship in Australia for much of the century, the only expertise required was a literary education. This meant that a great majority of the censors on the boards were academics, often professors of English or other languages, with a sprinkling of lawyers. State censorship bodies enlisted professors of English to act as interpreters and censors during both world wars. Professor J. J. Stables of the University of Queensland served as state publicity censor from 1917 to 1919. He was accused of 'stifling all languages and the Australian one in particular' after seizing an anti-conscription speech by the Queensland premier T. J. Ryan, and then again served in the position from 1939 to 1942. The censorship of foreign mail during World War I was the charge of Assistant Professor E. R. Holme from the University of Sydney, while E. T. Strong from the University of Melbourne served as the first Chief Film Censor from 1916 to 1922.⁴¹ The Film Censorship Board had a broader representation over the century, including women even in the early 1930s, after successful lobbying from women's organisations, which had not succeeded with the LCB. The film board notably paid full-time salaries.

The first woman federal publications censor was appointed to the LCB in 1958. Mrs Ray Ellis was a former school teacher who had served as president of the Canberra branch of the National Council of Women and in the late 1950s was the sole woman on the Canberra University College Council. Her notebook from the period includes extensive notes on Ralph Ginsburg's *An Unburied View of Erotica*, employing a book sent for review to

research the topic. Ellis' draft report for the Board describes it as a 'scholarly review of erotic literature . . . of special interest to the censor. It is not a book to be banned'.⁴² In 1960, Ellis left Canberra for Armidale and was replaced by Mrs A. Hope Hewitt (later Lady Hewitt, wife of Sir Lenox Hewitt, Secretary of the Prime Minister's Department under Gorton in the late 1960s), Senior Lecturer in English literature at Canberra University College. Hewitt's witty but highbrow assessments were a feature of the Board's decision-making through the 1960s and she served as Deputy Chairman of its replacement, the National Literature Board of Review, until 1973.⁴³

Kenneth Binns was Chairman until 1964, when replaced by Bryan. Other members appointed through the 1960s included Professor E. K. T. Koch-Emmery, Professor of German at Canberra, Associate Professor K. C. Masterman, a Classics expert also at Canberra University College, H. C. Chipman, a retired Victorian Crown Law officer, Sir George Currie, retired Vice Chancellor of the University of Western Australia, who served as Chairman of the Appeals Board after 1964, and Kenneth Slessor, poet and journalist, appointed to the LCB in 1964.

Slessor scholars have generally agreed on this prominent poet's 'lifelong objections to censorship'.⁴⁴ Biographies and critical studies draw on his early work as a journalist for *The Sun* and *Smith's Weekly* to present him as adamantly anti-censorship. In 1920 in *The Sun*, Slessor was reporting on the excesses of film censorship and caricaturing the censor: 'Representative of that portion of Australia which walks to church in large galoshes, and brandishes dank umbrellas, he held the lists of virtue single-handed'. He drew a vivid word picture of obscenity's affront:

They kissed. The Censor glanced anxiously at a small stop-watch, counting under his breath.

They went on kissing. 'Seven, eight, nine, out' muttered the Censor with an air of shocked finality. But, oblivious to regulations, they kept on kissing. It was a shocking sight. 'Stop!' screamed the Censor, clicking imaginary scissors in an outraged frenzy. The film stopped with a whirr, and the shameless twain stopped also, in a suspended osculation.⁴⁵

In the lead article of the first issue of *Australian Outline*, the arts magazine Slessor edited in the mid-1930s, he declared: 'Censorship in Australia has reached such

a condition of arrogance and stupidity that it can be compared only, in effect, to the holiday weekends of the more demented Roman Emperors'.⁴⁶

From 1964, however, Slessor served as an active, even assertive member of the LCB and then the National Literature Board of Review, furnishing reports that on multiple occasions represented the most censorious position; indeed, his preference seems to have been to ban rather than not. This was to be the last decade of Slessor's life, but the reversal of his stance appears dramatic.

It may make best sense when considered with Slessor's work as a journalist for the *Daily Telegraph* in the second half of his life. From the late 1950s he was writing leaders under the influence of media owner Frank Packer, almost all of which were conservative, evidencing the kind of politics espoused by Slessor on Aboriginal rights, immigration and the White Australia policy, as well as his strong support for US and Australian efforts in Vietnam. Interestingly, like Hope's, Slessor's poems have been assessed as more identifiably masculine than many other poets', Adrian Caesar agreeing with other critics that there is a determined 'machismo' about many of them. Caesar says it is 'tempting to suggest' that Slessor's famous silence as a poet – he wrote his last poems in the mid-1940s and never published poetry again – was a result of his repression of feminine aspects of himself, 'a final capitulation to dominant ideas of Australian masculinity'.⁴⁷ His role as censor, in contrast to public ideas of him, then perhaps gains a further dimension.

In 1965, Slessor refrained from submitting individual reports on James Baldwin's *Another Country* and *The City and the Pillar*. Before recommending that both stay banned, he first delivered a special voluntary report to Bryan titled 'A General Opinion on Homosexuality as a Theme'. He thought that the general note 'might possibly be of some help in the Board's summary of its attitude on this for the Minister':

It is not necessary to debate the moral implications of homosexuality . . . A world entirely populated by homosexuals would be a world without a future human race. I regard homosexuality, therefore, as an anti-social disease which must be recognised and (if necessary for a full picture of life) accurately described. But I would maintain that society is justified in resorting to censorship if this anti-social practice is presented by the arts in such a way as to make it appear desirable, attractive or condoned.⁴⁸

Another Country was released on the recommendations of five members of the Board, who outvoted Slessor's dissent. In 1966, *The City and the Pillar* was also released.⁴⁹

Seemingly trying to 'hold the list of virtue single-handed', Slessor's position here evokes some distinct schisms in 1960s Australia about morality and sexuality, and art's role in society. Those schisms were manifesting as vocal protest by the mid-1960s even as, over the preceding decades, they arguably had been produced by censorship itself. It also demonstrates homosexuality's crucial role in marking deep social change across the century, as a galvanising issue about which the censors had to change their practice completely. It clearly came to matter who was kissing whom, for Slessor, and with how much enthusiasm.

A. A. Phillips was another literary figure whose role as a censor involved contradictions but Phillips was at least determinedly public about them. A prominent critic and author of the 1950 essay 'The Cultural Cringe', as well as *The Australian Tradition* from 1958, he defended Erskine Caldwell's *God's Little Acre* in the Victorian courts just before his appointment to the new Appeals Board in 1960.⁵⁰ After the end of his term, Phillips published 'Confessions of an Escaped Censor' in *Meanjin* in 1969, an astute, acerbic analysis of the 'paradoxes and ambiguities' of Australian censorship. Refuting the simplistic argument that Australia's 'comparatively restrictive standards' of censorship were a mere reflection of a 'provincial and anti-intellectual community', Phillips instead pointed to two more concrete factors.

The first, 'an accident of cultural geography', was the fact that most books read in Australia were imported and, since those that were outright pornography were dealt with by Customs officers, censorship boards would only be concerned with non-illicit, serious books that had not been successfully prosecuted elsewhere: 'Hence any positive act of censorship by Australian Boards is almost always an act of exceptional repression by international standards.' The second factor he saw as inherent to the practice itself:

Censorship Boards exist for the sole purpose of deciding where a line ought to be drawn . . . If in practice they were never to draw the line, they would feel intolerably pointless. It is a dog's life for a watchdog if there are never any trespassers to bark at – so the postman gets harried. Personal experience as a censor convinces me of the strong effect of this influence.⁵¹

The censor poets

Phillips agreed to become a censor to try to implement more liberal standards – like Hope, perhaps. Instead, he describes himself as having been confronted, sometimes implacably, by the ‘subconscious tendency’ to feel that if he did not ban anything, he had not done his job. As a description of the function of censorship, Phillips’ analysis indicts the necessary regulation produced by institutional power itself, independent of a rationale.

Because they were white, baby, and they ruled the world

*Oh, yes, I found out all about white people, that's what they were like,
alone, where only a black girl could see them, and the black girl might
as well have been blind as far as they were concerned. Because they knew
they were white, baby, and they ruled the world.*

James Baldwin, *Another Country*, banned 1963

So declares Ida Silenski about encounters with white men who had paid her for sex in James Baldwin's provocative bestseller, *Another Country*, published in the US in 1962 and the UK in 1963. Ida's view is an intimate one, of white men 'alone', as she says, 'where only a black girl could see them'. In that intimacy – exploitative, more than unequal, an exchange determined by power and money – she recognises the character of whiteness: '*that's what they were like*'. Ida, as the only witness, is cast as subjugated other, just 'the black girl', and her exceptional view, distinct in its recognition of patriarchal whiteness as itself, is denied by the very exchange. She 'might as well have been blind as far as they were concerned'. Her witness is irrelevant, her seeing gaze blinded, and the recognition of whiteness as exploitation is allowed only in so far as its power makes that true.

Baldwin's novel is made of a mesh of sexual encounters, in which sexual acts are explored through alternating subjectivities and points of view as precisely such moments of revelatory access to the character of the other. The novel is interested in asserting what people think and feel as they engage

Because they were white, baby, and they ruled the world

in sex of different kinds with different people, exploring these differences as forms of alterity, revelatory and liberating, empathetic and cathectic in differing degrees. In the main, the sexual acts are between couples who are interchanged, exchanged and triangulated – we witness sex between a married white couple, between black men and white women, white men and black women, white men together, and gay men as a witnessed category – with straight men and not, and sex between a black man and a white man, at least phantasmatically. The novel, notably, has no black couple, and no sex between women, black or white.

Written in the postwar American neo-realist mode and set in Greenwich Village in the mid-1950s, *Another Country* exploded onto the American literary scene in 1962 as an expressive provocation. Many reviews were critical, outraged and disappointed, but it sold and sold.¹ Mainstream white critics felt the book was not concerned enough with the African-American experience when compared to Baldwin's first book, *Go Tell it on the Mountain* (1953), and his by then signature essays, which were bitterly eloquent and powerfully influential in the gathering momentum of the US civil rights movement.² Nor was *Another Country* seen as the authentic novel of a 'homosexual', in so far as that male category had gained significant purchase in the US by 1963, recognised as an identity even if only as a failed one – a disease, a Freudian lack of sexual maturity, a pathologised, tolerated exception but no longer merely an immoral perversion. *Giovanni's Room*, from 1956, with its white protagonist explicitly agonised about his sexuality, had been Baldwin's coming-out novel. *Another Country* was too outright 'dirty' and not at all apologetic about it.

Another Country's panoply of sexual encounters does not offer a measured claim for recognition of a singular sexual or racialised identity as a mode of being. Its bitter anger and intensity is variously voiced in sex exchanged across social power and positions. Both 'race' and sex are motile and dynamic; they are not categories so much as forms of phenomenal experience, through which characters are asked to recognise each other. It is a novel beyond categories, asserts James Dievler, 'postsexuality'.³ Baldwin gives us a vision of white America from 'another country', in which the only forms of recognition across and beyond power are available through sex.

Ida's character repeatedly tells white society about itself, using the polarised, reversed gaze enabled by the American civil rights platform and Baldwin's interest in the anti-colonial thought of Frantz Fanon.⁴ And her

comment can be used an analogy for the novel's treatment in Australia, where it was banned in mid-1963. Baldwin's portrait was directly refused by Australian Customs, his novel declared legally obscene and its vision rendered illegitimate. Employing and enforcing what Lee Edelman, in his discussion of the textualisation of homosexuality, terms 'the dominant optic',⁵ the censors refused Baldwin's inside-out view as altogether too intimate, too knowing. Far from liberating, its revelation was an offence.

The ban was criticised almost immediately. Newspaper protests again insisted that only in Ireland and South Africa were censors worse than in Australia, but even apartheid South Africa did not ban Baldwin's book.⁶ The newly formed New Zealand Indecent Publications Tribunal released the book in March 1964, in its first act as an independent statutory body, and controversy ensued when NZ Customs recommended a separate ban on the paperback edition, subsequently overturned.⁷ After attending a literary conference there in 1966, which criticised the Australian ban, LCB member Professor E. K. T. Koch-Emmery noted that *Another Country* was 'on sale in every New Zealand bookshop bearing the blue label: "Banned in Australia"'.⁸

The prohibition did not mean that no Australians read it, however. It was smuggled in suitcases and posted through the mail, though Gough Whitlam, then deputy leader of the opposition Labor Party, had his illegal copy seized by Customs in 1964.⁹ Banned at a moment when Australian censorship regimes were enduring sustained attacks, *Another Country* opened dangerous faultlines in the national edifice of federal censorship, questioning its legitimacy and purpose. The banning escalated already mounting public criticism of federal publications and film censorship in the early to mid-1960s and opened the regime to direct charges of racism, casting (if not exposing) the censors as ideological agents for the increasingly unpopular white Australia policy. It was one of Australia's most controversial bans, exposing the exceptional severity of the regimes, and threw the aims of national censorship into direct question.

Released the year before, Peter Coleman's *Obscenity, Blasphemy and Sedition* was researched with the assistance of the Customs department. In 1962, Coleman declared himself convinced by the arguments against censorship and told an optimistic story of improvement, which ended with an apparent decline through the late 1950s and early 1960s under Minister Henty. While it was 'too soon to write an autopsy of Australian censorship . . . nevertheless the censorship of morals, blasphemy and sedition has almost disappeared'.¹⁰

Because they were white, baby, and they ruled the world

Other book bannings immediately contemporary to the banning of *Another Country* were sparking controversies even as *Obscenity, Blasphemy and Sedition* was reviewed by the Australian press. In his *Bulletin* review, K. D. Gott disagreed pointedly that the period was one of 'qualified liberalism'.¹¹ Between 1958 and 1965, there were appeals and complaints against prohibitions on Ian Fleming's *The Spy Who Loved Me*, Vladimir Nabokov's *Lolita* and the new Stanley Kubrick film made of it (1962), Gore Vidal's *The City and the Pillar*, banned since 1950, J. P. Donleavy's *The Ginger Man*, Charles Gorham's *McCaffrey*, Glen Sire's *The Deathmakers*, James Jones' *The Thin Red Line*, new English translations of the *Kama Sutra*, Mary McCarthy's *The Group*, William Burroughs' *Naked Lunch*, Jean Genet's *Our Lady of the Flowers*, the work of Henry Miller (who in 1965 became the author most banned in Australia, with six of his titles on the list),¹² unexpurgated editions of Brendan Behan's *Borstal Boy*, as well as other less-remembered titles, including the textbook *Childbirth Without Pain*, which was released in July 1963 after outraged protests.¹³ Debate and protest also continued about Australia's ongoing refusal to allow entry to the new Penguin edition of *Lady Chatterley's Lover*.

Coleman's 1962 conclusion that 'the remaining cases of literary censorship, while irritating to many, are few in number', was based on the 1958 review but the majority of titles then released were long out-of-print and unavailable. A similar release of 33 titles later in 1963, while *Another Country* was being considered by the Appeals Board, was pilloried by booksellers and the press as irrelevant and useless, since many of the titles were either out-of-print or French and Italian translations of books already circulating.¹⁴ John O'Hara's *BUTterfield 8* (banned in 1950) and Mae West's *She Done Him Wrong* (banned in 1934) were the two memorable exceptions.

Australian Customs began keeping an eye out for Baldwin's novel soon after it was released in America. Clipped from the June 1962 issue of *Time* magazine, a review of the Dial Press US edition told Customs that 'perhaps because he feels personally compelled to face homosexuality in print, Baldwin relates all sexual contact in sober, clinical detail'. There is 'so much sex' that it becomes boring and the homosexual sex 'after the first shock . . . is also a bore'.¹⁵ Item 14A of Customs regulations had been prohibiting the importation of 'literature which unduly emphasizes matters of sex' since 1938 and, after December 1956, Item 4 continued to do so.

The inspectors found their first copy in the parcel post in August 1962,

mailed from New York to American Irene M. Simmy in Sydney. On 27 August, Customs informed her that her copy had been detained 'to determine whether it was a prohibited import'. Simmy later recalled: 'Because I did not for a moment think [the] novel would be delayed for long, I could not summon up any great indignation, though I had looked forward to reading the novel and did feel irritated at what seemed an unnecessary delay'.¹⁶ She wrote in October inquiring and was informed that her book had been sent to Canberra for examination. Six months after it was detained, on 6 February a letter arrived with the information that 'the book had been examined and deemed to be a prohibited import'. On 8 February 1963, it was added to the card index of banned books.¹⁷

It was not until April that *Another Country's* ban became news. The Sydney *Mirror* reported in a splashy and indignant article that a copy of Baldwin's novel 'sent to a Sydney doctor from London has been impounded by Customs'. Describing the book as a 'best seller and a critical success in England and America,' the *Mirror* reported that Customs was withholding distribution of the novel and that the Literature Censorship Board had been 'reading *Another Country* for two months'. A Customs officer had informed the doctor that 'the book is banned'.

The members of the Literature Censorship Board read the novel and reported only by 27 May 1963.¹⁸ So Simmy's copy had been confiscated and the title declared prohibited almost four months before it had been referred to the Board. The Board was chaired by Kenneth Binns, who was then 81 and retired from censorship in the next year, and included Professor Bryan and Hope Hewitt. Binns began his report on *Another Country* by noting the three columns devoted to it in the *Times Literary Supplement* as well as Baldwin's appearance on the cover of *Time*, occasioned by his 1963 collection of protest essays *The Fire Next Time*. Binns' report agreed that Baldwin was 'one of America's leading writers', but distaste is foremost in his descriptions. *Another Country's* relationships 'contain a great deal of sadism and masochism' – a clear over-reading and mis-statement – and the writing is 'smeared with indecent, offensive and dirty epithets and allusions. Four letter words are frequent also vulgar names for various functions of the body.'¹⁹

Binns noted, however, that the book presented 'important and difficult censorship problems' for the Board, and outlined five conclusions from exceptional deliberations by the members:

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1. This book has been given such publicity and praise that for Australia to ban completely its importation would be harmful to her cultural reputation.
2. Race segregation and the colour question has become such an acute political issue that a ban on 'Another Country' might even be associated with Australia's misunderstood 'White Australia' policy and her refusal to support U.N. condemnation of South African Apartheid.
3. The Board however is convinced that under our present State laws of censorship, this book would be held to be obscene in all Australian courts.
4. The Board also believes that the indecent language, together with some of the sex incidents, as for example the homosexual one on pages 367–375, would both shock and offend the average Australian reader for he is not as sex conditioned as are readers in most other countries.
5. The Board however does not believe it would corrupt Australian readers for it is too long, too involved and psychological, and incidentally too expensive for the average novel reader.²⁰

Because the Board 'believes the negro author Baldwin has a message and a reasoned point of view on this vitally important world problem', it recommended that the novel not be banned completely but placed on restricted circulation.

Coleman argues that allowing books restricted circulation actually did make them available and was ineffective as prohibition. *Another Country's* treatment refutes that suggestion, however. Customs refused to allow even the University of Western Australia's Librarian to import a copy for the academic staff in mid-1964, while the seizure of Whitlam's copy shows Customs determined to keep to the letter of the restriction.²¹ The Minister appears to have accepted the Board's recommendation and restricted the circulation of Baldwin's novel to approved, serious readers on the presentation of credentials to librarians. Public debate about the availability of *Another Country* registered only, however, that it had been prohibited.

The book's importers appealed the decision in July 1963. Allen was 84 when he reviewed the ban as Chairman of the Appeals Panel and like Binns he retired from censorship the next year. The two other members of the panel

were Marjary Henson, the retired headmistress of Hornsby Girls High, and A. A. Phillips.²² The panel was clearly interested in Baldwin and his book, and aware of the ban's controversy. Allen conscientiously furnished a seven-page report, offering a forcefully assertive and widely allusive reading that refutes the physical frailty evident in his handwriting.²³ Drawing on his long history of reading as Australia's bulwark, he considered *Another Country* in reference to Lillian Smith's *Strange Fruit*, Carl Van Vechten's *Nigger Heaven* and Erskine Caldwell's *Trouble in July*. Biting critiques of race relations in the US, all of these had been written by white Americans. Allen used them to argue with what he saw as Baldwin's pessimism: 'I cannot believe that the white man is afraid of the black'.

Debate about 'the negro problem' had figured in bans through the 1950s. *If He Hollers*, the first novel of prolific African-American novelist Chester B. Himes, was passed by the Board in October 1950, Allen finding that it 'would alienate no reader who wishes to study the negro problem in the right spirit'. Minister Neil O'Sullivan overruled the Board, however, (as he did on other occasions in 1950) and banned it as obscene. The 1957 banning of Harry Roskolenko's *Black is a Man* occasioned discussion of Australian responses to such material. Binns described the novel as 'a satire on the status and treatment of negroes in the southern states of the U.S.', noting it was published in the same year as the US High Court ruling on school segregation. However:

Mr Roskolenko makes the mistake of assuming that satire and the indecent, if not synonymous, at least go hand in hand. Examples of really disgusting writing will be found on the following pages: 16, 18–20, 33, 84–5, 112–9. These passages will certainly shock English and Australian readers, who are not greatly concerned with the negro problem in the U.S. and have little knowledge of the bitter feeling associated with it.²⁴

An American writer of Ukrainian heritage, Roskolenko sustained literary ties with Australia after serving in Sydney in US Army transport during World War II. As American editor of the *Angry Penguins* he was involved with the Ern Malley scandal, defending Max Harris against US criticism, and his book *Poet on a Scooter* tells of a motorbike ride from Perth to Melbourne to report on the 1956 Olympic Games. Such activities

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counter the Board's notion of a gulf between American and Australian readerships.

In his report on *Another Country*, Allen's patrician whiteness, as a classicist and by then civil authority on the world's *ars erotica*, allowed him licence to intrude a racist biologism: 'A generation ago, *The Leopard's Spots*, violently anti-negro, stated that a drop of negro blood, in any mixture of black and white, could result in a black child, which seems to be biologically true.' The first novel of Thomas Dixon's Ku Klux Klan trilogy was quite an antecedent to call upon. Yet Allen was convinced of *Another Country's* 'genius' and 'intellectual power', as well as its sincerity and currency in Australian contexts, through its concern 'with one of the most absorbing problems of the day. It embraces the question of Apartheid, of the great African masses who claim self-government; and of what Australia has eventually to face, the claims which our Aborigines are sure to make'.

In August 1963, days after Allen handed this report to Customs, Martin Luther King delivered his 'I Have a Dream' speech on the steps of the Lincoln Memorial, to the largest mass demonstration that had ever been marshalled in the US. In August 1963, the UN General Assembly endorsed a call for an arms and petroleum embargo on Apartheid South Africa, while that country's 90-day rule saw widespread arrests of black activists and lengthy detainment without trial, the Pan African Congress announced plans for an armed uprising, and preparations began for the December Rivonia trial that sentenced Mandela, Mbeki, Sisulu and other African leaders to life imprisonment. In August 1963, the Australian Parliament received two bark petitions from the Yolngu people protesting the partition of part of their country at Yirrkala for a bauxite mine, and in October Parliament recognised these as claims of traditional law, the first time such a claim had been acknowledged.

So it continued. In November, amendments to the electoral act gave Indigenous Australians in three states the same rights to vote as other electors, while the Menzies government was returned with an increased majority. In December, *Time* magazine criticised Australia's immigration policy as 'immigrant apartheid'. It quoted then minister Alexander Downer (senior), describing Australia as 'an Anglican European community embodying all that is best of the Old World and the New'.²⁵ Baldwin's novel was no small part of an extending series of protests against white rule, internationally and with increasing militancy in the US and in Africa, its audience expanding through the 1960s with reissues every year.

Some African American commentators worried that readers were reading it for the wrong reasons, however, as did the Australian censors.²⁶ 'But there are other aspects of this book which concern the Censor, and these must be considered' continued Allen. Emphatically, '[a]s regards 'tabu' language, if the word obscene has any meaning under the Act, obscenity can no further go'. The novel has 'such floods of pollution' that 'it is not suitable for indiscriminate reading'. Particularly, Allen addressed the question of the novel's representation of passionate and explicit sex between men, in love with each other, which is central to the novel's most optimistic relationship. He found that:

it is uncertain whether the author analyses [homosexuality] in order to understand it in the light of the characters concerned, or advocates it . . . It would seem that, with the exception of Eric, who is frankly and unblushingly homosexual, the characters are spiritual weaklings who seek factitious relief. In any case, however, the encounters are told with repulsive minuteness.

Allen considered this in light of literary scholarship exploring Shakespeare's 'Uranian' affections, to demonstrate that bisexuality could be represented with moral seriousness and that it was not wholly unhealthy. He agreed though that, in the end, 'the author exemplifies his theme too exclusively through the portrayal of sexual relations', and finally defended the LCB's decision to restrict *Another Country*:

I agree with Miss Henson that if it is a matter of total banning or free importation, the latter must be chosen. I am not particularly impressed by Mr Phillips' statement that we must 'fall into line'. Are then, Australia's cultural values to be dictated from abroad? If so, why have a censorship at all? . . . It may be that I am not in tune with the times, and that Mr Phillips is. I must leave that for the Minister to decide. But I believe that the report of the Literature Board is soundly based. As long as genuine students of literature have ready access to the book I do not believe that Australia's cultural standards will suffer.

Phillips had suggested that since Baldwin's novel was circulating to such acclaim in the rest of the world, Australia could not be seen to ban

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it. Allen disagreed. The defensiveness of this final statement nevertheless shows Allen in his last decade of life, wondering about his relevance as a censor. His liberalism, sourced in an earlier era, is evident in his reference to Australia's cultural rather than moral standards but by 1963 it was certainly not measuring the edge of community opinion.

Protest against *Another Country's* banning in Australia was pointed, and accompanied by newspaper and media notices about other examples. The fears of the Board were justified: the ban was seen as an act of white Australia and did cause concern about Australia's international reputation. Geoffrey Dutton, Rosemary Wighton and Max Harris published an open letter to Senator Henty in the July 1963 issue of the *Australian Book Review*, warning that the banning was 'very likely to be interpreted as an act of colour and racial prejudice on the part of Australia, and to be interpreted in an anti-Australian way by Asian students and newspapers, by Communist powers, and by liberal racial forces in the U.S.A.' They noted that:

Eire excluded, Australia is the only English-speaking country in the world, or European country either, which has banned this particular book. We have examined all the reviews which have appeared in the English language and no reviewer anywhere has suggested that this book is unfit to be available to an adult community . . . Since Australia is all alone in prohibiting this book, the rest of the world will, albeit wrongly, interpret this banning as colour discrimination against the greatest negro intellectual of the U.S.A.²⁷

On 26 October 1963, commentator H. G. Kippax published a long piece notifying *SMH* readers of 'A Novel You are Not Allowed to Read'.²⁸ He declared that 'as a parable and a polemic, it has a force and relevance to our culture rare among contemporary novels' and called its banning 'barbarous'.

The 1963 Winter–Spring edition of the Melbourne journal *Overland* was devoted to 'Censors and Censorship', and *Another Country* featured prominently in its swag of articles, including Simmy's account of her copy's seizure. Grove Press, the US publisher, had heard of her difficulties in obtaining the book and sent her another copy in March 1963, which arrived untouched.

It was then as I unwrapped the book . . . that I fully realised the stupidity of censorship. For almost a year I had waged a hopeless battle with the authorities who had purely by accident – on grounds of moral concern – detained a novel, addressed to me, as they had detained undoubtedly a thousand other novels . . . but how many books, perhaps more harmful to public morals, had been admitted?²⁹

Max Harris offered an acerbic refutation of Senator Henty's liberalism, but with an emphasis on Menzies' role in censorship as Prime Minister. His 'self-image as a literary connoisseur is at the root of our Customs' trouble'.³⁰

In asking what was at stake in Australia's ban on *Another Country*, the temptation is to pose an answer that separates the novel's interests in race and sexuality, which most of the scholarship on Baldwin has also done. That is, we could decide that the censors banned it for its sexual content, rather than its critical portrait of American race relations and, moreover, that one perhaps operated as a blind for the other. Either the censors prohibited it as obscene so that Australian readers could be protected from its challenge to white authority, or commentators misrecognised its banning as a form of race discrimination, when what was really 'discriminated' against, to use the identity rights model, was the novel's assertive queerness. In *Overland* in 1963, Laurence Collinson wondered if the censors were opposed to 'the idea that the American Negro is entitled to the same rights and responsibilities as those possessed by persons with a "white" skin', or opposed to 'the idea that an author may treat a homosexual relationship as something as natural and inevitable as other relationships between two human beings'.³¹

There is a temptation to use this case as an example of the argument made by Edelman and others, and Anjali Arondekar has made it recently with specific reference to the colonial archive, that homosexuality above all is the 'structural secret of the archive, without whose concealment the archive ceases to exist'.³² And certainly research for this project shows an inordinate proportion of bannings in Australia to have had same-sex content at stake in some way or other.

Another Country's achievement is to refuse this separation, however, to insist that sexuality can be a mode for a just ethics of empathy, in a political vision that took the logic of race 'integration' seriously, or literally, to its most intimate and embodied. This is what was banned in Australia: Baldwin's vision of sex as politics.

Because they were white, baby, and they ruled the world

Another Country was released after another review of banned titles in 1965 and 1966. Intense pressure from multiple quarters, including from Bryan as the new Chairman of the LCB, meant it was reviewed along with *Borstal Boy*, *Lolita*, T. E. Lawrence's *The Mint*, Vance Bourjaily's *Confessions of a Spent Youth* and D. H. Lawrence's *Lady Chatterley's Lover*.³³ Bryan forwarded to the minister a set of five reports from the Board that argued insistently for its release, as well as one dissenting report from the poet Kenneth Slessor, who found the novel's representation of homosexuality 'criminal' and 'offensive.'

The release of *Lady Chatterley's Lover*

English poet Philip Larkin resonantly declared that:

Sexual intercourse began
In nineteen sixty-three
(Which was rather late for me)
Between the end of the 'Chatterley' ban
And the Beatles' first LP.³⁴

Despite Penguin's court victory in 1960, the Chatterley ban had not ended in Australia even by 1963. If sexual intercourse began then, impatient Australian readers, facing new bans on *Another Country* and other outspoken books, had yet two more years to wait to read the Lawrence: rather late indeed.

In February 1960, Penguin submitted proof copies of the unexpurgated edition of *Lady Chatterley's Lover* to Australian Customs. The UK-based publisher was proposing to publish a cheap paperback, testing the new British *Obscene Publications Act*, so at the same time requested an Australian review of the most famous banned book in the world. The Literature Censorship Board recommended release unanimously. Binns as Chairman was pleased to inform Minister Henty that 'all three members . . . were in complete agreement', furnishing a lengthy report outlining their decision.³⁵ Detailing the novel's use of what Hope Hewitt called 'Anglo-Saxon adjectives', the report noted that nevertheless it 'has been locked away for thirty years and is now plainly dated'. Quoting from a tranche of critics, highlighting F. R. Leavis's inclusion of Lawrence in the 'great tradition' of English novelists, the report also noted Lawrence's own description of his 'phallic novel, tender and delicate'. It concluded that the book should be viewed 'as an integral

part of the output of a major literary figure and that, as with *Ulysses*, this fact should over-ride the coarse features'.³⁶

The decision to release was deferred by Henty, however, while the charge of publishing an obscene article was heard against Penguin in the UK. The court rejected the charge and released Lawrence's novel in Britain for the first time in November 1960. Rather than automatically release it in Australia, however, as newspapers were urging, Customs sent the book back to the Board. Henty asked the members to treat it 'as an isolated novel rather than as an integral part of the output of a major literary figure', contrary to its treatment in the UK court and to the Board's recommendation.³⁷ The newly constituted Board – Binns, Bryan, Hewitt and Koch-Emmery – again recommended release.

On 6 February 1961, Menzies' Cabinet met to consider the ban. A submission from Henty outlined the history of Customs' treatment of *Lady Chatterley's Lover*, noting that the book was still banned in New Zealand, Canada, Japan and South Africa, but not in the UK or US. (It had been released in the US in July 1959 by a federal district court judge, who overturned the Postmaster General's refusal to transmit it through the post.) Henty drew to Cabinet's attention the fact that a decision to maintain the ban would require public notification of the LCB's recommendation of release and could provoke not only appeal but court action, perhaps even from the states. The key fact noted, however, was that the common law of obscenity in Australia 'is derived from English Common Law, i.e. it would not have any dependence on the present United Kingdom *Obscene Publications Act* passed in 1959'.³⁸ With the submission, copies of the US Signet edition of the unexpurgated book, marked for sale at 50 cents, were circulated to Cabinet members.

Cabinet was united under Menzies in opposing release. The government was facing a difficult election, saw clearly that the early 1960s were testing times for federal censorship and regarded the case as a measure of Commonwealth power: 'If it allows this edition to be imported it might well be the end of any effective censorship of imported literature.'³⁹

Another conference to discuss uniform book censorship with the states was scheduled for 22 February. 'There will not be much point in this if the Commonwealth is prepared to give way in this particular case.' Cabinet recommended that the ban be preserved, even if the Appeals Board was to recommend release. Henty made an 'appropriate' press statement.⁴⁰

Because they were white, baby, and they ruled the world

Australian newspapers were reporting the Penguin trial in London at length, with detailed quotations from trial transcripts and expert witnesses. In January the Bishop of Woolwich featured in the Sydney *Sunday Mirror*: 'Lawrence was trying to portray the sex relationship as something essentially sacred. Its positive value from the ethical point of view is that it does stress the real value and integrity of personal relations'. And telling lines from Dame Rebecca West also appeared: 'This is a book of undoubted literary merit: it is a work of art, an analysis of experience.'⁴¹ The same column asked pointedly, 'Must Australian readers be denied access to this important literary work because of a battle of tactics between State and Federal politicians?'

In what became a full press scandal, the overruling of the LCB's decision was widely reported, the *Sun* declaring that 'a row is believed to be developing between the board and the Government over this decision', quoting 'Canberra literary circles'.⁴² The *Sunday Mirror*, under the headline 'Gate Slammed Again on Lady Chatterley', reported that 'hundreds of Australians have received paperback copies of D. H. Lawrence's unexpurgated novel, *Lady Chatterley's Lover*, sent to them by friends in England'. Colonel Alec Sheppard, a Sydney bookseller, was quoted as saying 'that he did not think any bookseller would risk bringing the book into Australia. "If he did he would be out of business in no time"'.⁴³

The *Catholic Weekly*, clipped by Customs, declared Senator Henty 'a courageous man'. Citing the position of the *Herald's* Ross Gollan that Australians didn't need un-sought moral protection, the paper asked:

Is this true of the thousands of young Sydney girls who go seeking the services of an abortionist every year? Is it true of the young women at the Parramatta Industrial School who rioted so disgracefully at the week-end and used words which the Herald apparently accepts from Mr Lawrence but describes as 'obscene' in its reports of the riots? Is it true of the young men who parade through our courts every week charged with shocking assaults on women?⁴⁴

Penguin considered whether they could bring a court case against Australian Customs. Sir Allen Lane, the managing director of Penguin, arrived in Australia for a widely publicised visit in June 1961 but declared 'I will not take action because I am a peaceful man'.⁴⁵

The December 1960 issue of *Overland* featured a special discussion

of 'Lady Chatterley's Case', with editor Murray-Smith reprinting extracts from the trial. He declared: 'We consider that the recent London legal proceedings against D.H. Lawrence's novel *Lady Chatterley's Lover* were, in their outcome, of extraordinary importance to those who cherish freedom in their everyday life and morality and sensibility in their culture.'⁴⁶ Laced with quotations from Lawrence on censorship and filled with extracted comments from expert testimony, the article also noted that the London *Observer's* report on one witness's use of the word 'fuck' had printed the word in full. 'If *Overland's* lawyers and printers had been amendable, we would have wished to do so too,' wrote Murray-Smith.

By February 1961, the papers were warning of 'another headache' for the government, since Penguin had also published C. H. Rolph's *The Trial of Lady Chatterley*, which was 'virtually a law report, but contains most of the controversial passages in the original novel'. Several copies had already arrived in Australia for review.⁴⁷ *The Trial of Lady Chatterley* was banned by Henty in 1961 without reference to the LCB, 'in the light of Cabinet's decision on *Lady Chatterley's Lover*', which remained a prohibited publication.⁴⁸ To the ridicule of most of the press, which referenced the Chatterley ban in discussion of any new title added to the list, including *Another Country*, both remained banned for the next four years.

In early 1964, Rolph's book was sent to the Appeals Board, after representations on its behalf, and the Appeals Board recommended release. Ken Anderson, newly appointed Minister for Customs and Excise, later explained to Cabinet that 'for various reasons the time was not opportune for me to consider acting on the Board's recommendation'.⁴⁹ But in April 1965, bookseller Alec Sheppard and entrepreneur Leon Fink pulled off an audacious coup that contributed directly to the eventual dismantling of existing regimes. After importing eight separate parts of Rolph's *The Trial of Lady Chatterley* via first-class airmail – 'each letter being addressed to a different individual', Anderson noted, to escape Customs' detection – an Australian edition of 1000 copies was printed and released in Sydney.⁵⁰ As Murray-Smith recalled, 'the whole of literate Sydney smiled with delight'.⁵¹ The NSW Council for Civil Liberties had been looking for willing printers to take on the task for some time. With the Council's backing, Fink and Sheppard established publisher Minderon Pty Ltd and purchased the copyright from Penguin.⁵² The Australian *The Trial of Lady Chatterley* quickly went on sale for 15/- in New South Wales, Tasmania, the ACT and

Because they were white, baby, and they ruled the world

Victoria.⁵³ When the first copies arrived in a Perth bookshop in early May, they sold out within 20 minutes.⁵⁴

Simultaneously, the government faced another problem. British scholar David Holbrook had published *The Quest for Love* (1964), a comparative psychoanalytic study of Chaucer and Shakespeare as well as *Lady Chatterley's Lover*, and copies of it had already arrived in Australia. This was another title quoting from a banned publication that nevertheless could not be considered 'the sort of book that anyone would or could read as pornography', as Acting Chairman of the LCB K. C. Masterman noted. Holbrook's book was immediately banned by Customs, but the Board recommended release in March 1965, while also advising that 'consideration be given to the simultaneous release of *Lady Chatterley's Lover* and of *The Trial of Lady Chatterley*'. The Board's report on *The Quest for Love* was included in Minister Anderson's submission to federal Cabinet when it met soon after.⁵⁵ The NSW Council for Civil Liberties meanwhile declared its intention to issue a High Court writ against the Customs Minister for return of a seized copy of *The Quest for Love*. Assistant Secretary Berenice Granger posed with her copy outside Sydney's Customs House for the *SMH*.⁵⁶

Confidential Cabinet records show a panicked response not only from Anderson but from staff in the Prime Minister's department. In a secret briefing for Menzies, staff warned that 'The challenge goes wider than *The Trial of Lady Chatterley* and probably extends to literature censorship in toto. The Customs Department have information that the next book to be published by Minderson will be *Lolita*'.⁵⁷

The PM's department was particularly suspicious of Communist involvement in the plot. Sheppard's membership of 'front' organisations was noted but 'our people' had not listed the NSW Council for Civil Liberties as a front. Menzies was informed that security would investigate further.

The PM's department's recommendation was somewhat conflicted. On the one hand staff advised that Menzies and Cabinet act precipitously, taking control of literature censorship by establishing exactly 'what Commonwealth censorship standards are to be' as a benchmark that the Minister should then abide by. On the other hand, submissions had to acknowledge that 'the situation on *The Trial* is virtually irretrievable' and that the book would have to be released: 'There is no evidence that the community as a whole is unhappy about the Commonwealth's standard in censorship matters. Equally as important as the vocal fringe, is the non-vocal bulk of the community the

attitude of which, if it can be judged, is very much that of “hastening slowly” in moving censorship barriers’.

The recommendation that all agreed on, from the Minister to the editors of the daily papers, was that uniform censorship laws between the states and the Commonwealth were urgently needed. The submissions went to Cabinet, along with Anderson's recommendation that *The Trial* be released federally only when it was clear that no state court action had succeeded against its domestic publication.

Cabinet rejected this advice when it met on 13 April 1965. Since the LCB and Appeals Board had already passed *The Trial* and *The Quest for Love*, both books were to be released immediately, with no change made to the Minister's or Customs' role in censorship. On the question of uniform laws, Cabinet decided that the initiative lay with the states, not the Commonwealth. Anderson was left with nothing to do but declare the national availability of both books, which he did on 19 May 1965, even as two Melbourne booksellers of *The Trial* were readying to face charges under the Victorian *Judicial Proceedings Report Act*. The credibility of federal censorship, already shaky, sustained a severe blow.

Within 24 hours of the release Anderson announced that he had referred a number of banned books to the LCB for review. Alec Sheppard declared that he had been told that *Lolita*, *Another Country* and *Lady Chatterley's Lover* were among them. ‘I have good reason to believe that the three books will be available in Australia soon,’ he told the *Australian*.⁵⁸ Directly after Cabinet met, in fact, a review of the ‘legislation, standards and administration governing literature of merit’ was undertaken by Customs and a report finalised by the end of April. It pointed to ‘a real need to undertake reform of present legal provisions’, including an earlier than usual cyclical review of ‘certain banned books’, a redefinition of obscenity away from the hoary Hicklin test and the establishing of a new board for literature censorship, on which state representatives might sit and which would take a larger advisory role.⁵⁹

By July 1965, like Baldwin's *Another Country* and Nabokov's *Lolita*, Lawrence's *Lady Chatterley's Lover* was released for sale all over Australia.

Porno-politics

*If we just keep extending every freedom they just won't notice what
we're doing anymore.*

Wendy Bacon, 1971

Australian censorship regimes were undone between 1964 and 1973. In January 1973, only a few weeks after the election of the Whitlam Labor government, the first in 23 years, the administration of federal censorship was removed from the Department of Customs altogether. By the end of 1973, the list of banned literary titles was reduced to zero.¹ In what was an era of extraordinary social transformation in Australia and around the world, state and federal censorship laws, administration and policy were almost all completely changed by the early to mid-1970s. In obscenity case after obscenity case, the strictures of more than seven decades were progressively dismantled.

Censorship became the target for activism and protest in unprecedented ways, supported by a far broader social consensus than ever before. This involved artistic and liberal opposition to the censorship of works of merit, opposition from industrial bodies and publishers invested in commercial erotica, and objections to political censorship and the restriction of freedom of information about government. The consensus saw all censorship as a key instrument of repressive government; a central plank in a system that was no longer tenable. What was at stake was not simply the claims of art to independent expression, nor even the liberation of sexuality from the strictures of conservative morality – although this became more and more urgent as those identifying as lesbian and gay, among others, looked for greater self-expression. What was at stake, it seemed, was freedom.

Theorist and activist Dennis Altman delivered a paper to the Socialist Scholars Conference at Sydney University in May 1970 arguing that obscenity itself, as the central justification for censorship and its most frequent charge, could be employed as a weapon for social and political change: 'Book censorship, ostensibly non-political, becomes political in an age when obscenity is a political weapon.' Drawing on the then most influential theorists connecting sexual restraint and social or political order, Altman explained: 'As Reich, Marcuse, Leary *et al.* discuss, our society is based on the most severe restraints on gratification of pleasure in the name of duty, responsibility, decency, etc.' In that context, 'probably the most revolutionary event in Australia in the past three years has been the production of *Hair*'.² A nude musical, in other words, was a real threat to the state.

The Australian Security Intelligence Organisation, shadowing Altman wherever he went from the early 1960s, carefully kept a copy of this unpublished speech. It was delivered before Altman's seminal text of gay liberation, *Homosexual*, was published in the US in 1971 but just a month after the unprecedented court action that Altman launched against the Department of Customs to contest the seizure of two of his books. Obscenity was definitely on ASIO's list of security risks, while Altman spoke out against the proposed tour of the South African Springboks rugby team: 'It is unfortunate but nevertheless a fact that the South African regime can now be changed only through some kind of violent revolution.'³ All mention of *Hair*, meanwhile, was banned on the Sydney radio station 2SM, while in Queensland, Country Party politician Russell Hinze called it a show for the 'sexually depraved, or a group of homosexuals, lesbians, wifeswappers and spivs'.⁴

Student activist, libertarian and women's liberationist Wendy Bacon placed censorship and 'freedom' in more explicit opposition, whether freedom meant individual civil liberty, collective social 'liberation' or women's legal, economic, social and sexual emancipation in a society organised for men. Bacon declaimed her ideas in the Monash University student newspaper *Lot's Wife* after being jailed for obscenity in February 1971. She and her two co-editors, as well as a group of supporting students and writers, faced 41 obscenity charges for material in the University of NSW student magazine *Tharunka* and spin-off publications *Thorunka* and *Thor*. Bacon was sent to prison after appearing in court wearing a nun's habit with a blasphemous and obscene slogan attached to its front.

Defending her actions in *Lot's Wife*, Bacon declared:

I . . . see printing pornography as just a protest in itself. Now as far as I'm concerned, if something is forbidden, unless there is some good reason not to do it which I feel myself and understand myself, the fact that it is forbidden is enough for me to want to do it. So providing pornography is banned, or that it really freaks politicians right out, I'm going to be really keen to keep doing it.⁵

Eschewing even the more literary word 'obscenity', Bacon's insistence on the freedom to publish what the state termed pornography was strongly influenced by the ideas of the Sydney Libertarians, a long-standing group of bohemians who ascribed to the anti-censorship ideas of philosopher John Anderson. They inherited from him a tradition of opposition to state control and an intellectual liberalism that influenced several of the new social movements in 1960s Australia in distinctive ways.⁶

By 1971, Bacon's actions were also in line with adventurous developments abroad. Some of these she describes in her essay, noting the existence of 'Porno-politics' as a stance and two 'porno-festivals' held in Sydney the year before. 'There were 3000 people, and we saw people getting up and reading things from banned works, and blue movies, and slides, and nothing happened. There were no prosecutions, and the police were around, but they didn't bother doing anything.' Freedom, for Bacon, could result from such actions: 'One thing we thought from the beginning was that a lot of censorship goes on simply because people are intimidated by laws. We had the feeling we could get away with an awful lot by going ahead in a pretty bold way.'⁷

ASIO, defending Australia's 'national security', was worried about exactly that. Bacon's file recording her movements, activities, associations, friends, family and interests from the late 1960s and early 1970s stretches to two volumes, as agents secretly photographed her entering and exiting premises, infiltrated meetings, intercepted her mail and recorded phone calls.⁸ The files are an eloquent demonstration of governmental power over the circulation of information. For activists like Bacon, the connections between political power and power over representation were obvious and to be resisted. Freedom of expression should not extend only to political expression but to all forms, because freedom from censorship also meant freedom to *know*.

In 1969 the ALP introduced a new censorship policy to the party platform, that as a general principle adults should be able to 'read, hear or view what they wish in private or public'.⁹ Lionel Murphy, later to become Attorney General and Customs Minister in the Whitlam government, then leader of the Labor opposition in the Senate, declared that it was 'a great myth' that Australians lived in a free country.¹⁰ Don Dunstan as the young Labor Attorney General in South Australia became a key voice for the relaxation of censorship, continuing his position after being elected Premier in 1970. Don Chipp, Minister for Customs in the Gorton and McMahon Liberal governments from 1969 to 1972, introduced an 'R' rating for the first time, allowing the circulation of films and publications previously deemed obscene, producing enough ire in his own constituency to initiate the protest pamphlet 'Mr Chipp and the Porno-Push'.¹¹ In 1970, he became the first serving Customs Minister to speak opposing censorship in Parliament.¹² Even for government, by then, freedom was not a meaningless political concept but a realisable social state.

Drawing from the dissenting position of Australian Communists through the Cold War, as well as the more disengaged libertarian tradition, and engaged with the protests of increasingly organised indigenous activists, groups of younger Australians began to assert new interests and new identities under what became the umbrella of the 'New Left'. 'Alternative' became a self-explanatory adjective, as the counter-culture imported from the US and the UK began to clash with an established Australian order still dominated by Menzies and a postwar generation attached to economic and social stability, national isolationism and apparently classless respectability. Opposition to Australia's involvement in Vietnam grafted onto international opposition to the US-conducted war. Networks of activists galvanised organised protest from university campuses that spread to a wider polity, especially as the implications of national service requirements for young men became clear, and the body-bags began arriving on Australian shores.

Agitation for change took place across a spectrum of issues: black civil rights and Aboriginal land rights, women's rights, gay liberation, rights for young people, freedom of movement, working-class access to social and political participation, critiques of consumer capitalism, environmentalism and the expanding peace movement. Agitation for freedom of speech was an overarching urgency in the context of concerted government opposition to escalating protests. Spectacular protests included the Freedom Rides for

Aboriginal rights, boycotts of the South African Springbok rugby team tour to protest apartheid, the Vietnam moratorium marches, draft dodging and mass arrests, drag queens picketing the ABC and late-night window smashing in the Sydney CBD by women's libbers. It was time, as the Whitlam slogan went, for change.

Obscenity, particularly in publications and film, was given a central role in this transformation. As the primary object of censorship laws, it was also the primary mode through which to challenge them. Its use was sometimes virtually instrumental (underground and student newspapers publishing extracts from notoriously banned titles) and sometimes commercial (publishing cheesecake and soft-porn girlie pics to cater to demand), while other cases were more directly connected to shifts in social experience and the understanding of sexuality. Phyllis Latona and Communist gay liberationist Denis Freney of the Manly Warringah Vietnam Moratorium Committee in Sydney were charged in May 1970 with issuing an obscene publication, for distributing posters of the now infamous photograph of the My Lai massacre, in which a soldier holds up a child's blown-apart body like a curiosity. 'The war is obscene' was their defence and the trial was adjourned.¹³

The hottest issue

In 1964, before the release of *Lady Chatterley's Lover* or *Another Country*, censorship was the hottest issue of the year. A round-up of its events for Boxing Day in the *Bulletin* (then edited by Peter Coleman) was titled 'A Year's "Corruption"'.¹⁴ Notable were the launches of the pro-censorship organisation the League of National Welfare and Decency (slogan: 'Sex is Your Business') as well as the Freedom to Read Committee, formed in Melbourne to fight the Victorian ban on Mary McCarthy's novel *The Group*. In the 'biggest literary case of the year', McCarthy's observational novel about a group of Vassar College sorority graduates had been effectively banned not by using the Victorian *Police Act* to prosecute booksellers, but merely by 'warning them that a prosecution would be considered'. Like *God's Little Acre* and *Carlotta McBride*, both banned by the Victorian courts, *The Group* had previously been released by federal Customs. So it circulated in every other state – the *Bulletin* reported that it 'sold like hot cakes' – but was unavailable in Victoria.

ABC television hosted a *Four Corners* program about the book in March

1964, which included an interview with bookseller Alec Sheppard, who was defying the Victorian ban by mailing copies from NSW. The Booksellers' Association supported Sheppard, arguing that despite the Victorian threats the distributors could not act as *de facto* censors. Sheppard himself opined that *The Group* was 'a book for women, I think, not for men. Probably the proper title to it could have been – "Women without Men" or "How happy a woman could be if there were no men about"'. A debate between the Victorian Chief Secretary, A. G. Rylah, and Professor Hector Munro, Chairman of the Freedom to Read Committee in Melbourne, had Munro asking Rylah if he was aware that there was 'a good deal of discontent among writers, academics, intellectuals generally about the whole state of censorship in Australia'. Rylah replied that in his opinion, 'freedom from censorship means freedom for filth'.¹⁵

'The *Lolita* case for 1964', reported the *Bulletin*, revolved around Customs' refusal to permit the importation of even one copy of Vladimir Nabokov's novel for students and staff in the American literature course at the Australian National University. 'Dr R. F. Brissenden of the university, however, said he now reads passages from the book to his students.' The *Sun Herald* quoted the exam question set by 'censor-fighting' Brissenden, which asked students to evaluate Nabokov's satirical portrait of his adopted country – 'Not much sex in that'.¹⁶ Among others, protests in the *Age* from A. D. Hope at the ANU and novelist David Martin, defending *Lolita* as 'a tragic, moving, sardonic commentary on the times', resulted in its release in mid-1965.¹⁷ *Quadrant* editors James McAuley and Donald Horne editorialised in its favour, arguing that 'such questions should be left to the discrimination of citizens and the freedom of private debate, not mangled and messed about by public agencies'.¹⁸

Scholars at the universities of New South Wales and Western Australia also had their reading restricted in 1964. Under the restricted circulation classification, Professor R. Martin was refused permission to quote from seven psychology books, including Louis S. London's *Abnormal Sexual Behavior* and Richard Hauser's *The Homosexual Society*, and required to read them 'only under supervision'.¹⁹ He refused to use them in protest. UWA librarian Leonard Jolley was refused permission to import twelve titles on the banned and restricted lists for the academic staff, including Baldwin's *Another Country*.²⁰

'Towards the end of the year there at least seemed a slight slackening

of the censorship drive', wrote the *Bulletin*, reporting Judge A. Levine's decision in the NSW Appeals Court overruling fines imposed on the four editors of *Tharunka*. A narrative cartoon called 'The Gas Lash' by student artist and editor Martin Sharp had been found obscene. Levine described it as 'most objectionable, in very bad taste' but he considered it would not deprave or corrupt the morals of university students, the only group of people into whose hands the publication would reasonably fall.²¹ Sydney's hippest night club became the Gas Lash, after Sharp's cartoon, attracting the Rolling Stones on a visit in 1965: a group even less corruptible.²²

This more liberal interpretation of obscenity had weight for the *Bulletin* since 'at the time of writing', Justice Levine was still to hand down his judgement on the appeal of the other great case of the year, the NSW police prosecution of *Oz* magazine. It was *Oz*'s second prosecution and Mr G. A. Locke had sentenced the editors to six months' hard labour – the worst sentence faced by any Australian accused of publishing obscenity. Their defence fund was supported by the editors of almost every literary and intellectual journal in Australia. In the appeal case, an unprecedented number of expert witnesses testified to the magazine's literary merit and social worth, ranging from the artist John Olsen to Professor James McAuley from the University of Tasmania, the latter one of the Malley hoaxers and later a censor on the NLBR.²³ The *Bulletin* quoted the final speech of John Kerr, QC, for the editors, that 'satire is a breeze of reform and sex should not be immune'.

The use of 'cold' type and offset printing began to replace letterpress in the 1960s, allowing greater design flexibility, more illustrations and cheaper production. Typesetting and layout could be done without much equipment, so it became viable for small operations to risk adventurous publications. The 1960s saw the proper infancy of modern Australian publishing, with multiple competitive publishers producing successful books with marketable Australian content, and the next decade became the era of the small, independent magazine.²⁴ An 'alternative', even an 'underground' press emerged, especially in Sydney. *Oz* magazine, edited by ex-university students Richard Neville, Richard Walsh and Peter Grose was the highest profile of these, and featured the vivid, provocative illustrations of Martin Sharp.

With a determined focus on (hetero)sexuality, employing anti-establishment satire and lots of female nudity to push for libertarian social

and political change, *Oz* was modelled on UK magazines *Private Eye* and *New Statesman*, but was also unashamed about its similarities to more properly underground magazines like *Obscenity*, *Censor* and *The Kings Cross Whisper*. These were small, inner-Sydney magazines that ran the gauntlet of obscenity laws, publishing erotic content, including extracts from banned books such as *Fanny Hill*, sexy cartoons and soft-porn photographs. *The King's Cross Whisper* circulated in Victoria and South Australia too but was banned by the Queensland Literature Censorship Board in April 1965.²⁵ *Censor* and *Obscenity* were prosecuted for obscenity in 1966, with two appeals that took the question of the difference between 'indecent' and 'obscenity' from the NSW Courts to the High Court.

Five precisely worded judgements discouraged any liberalising attempts to fully separate the terms: 'Obscenities are always indecent but all indecency is not obscene'. Its first ruling on the question gave the Bench cause to consider many aspects of the legal power to censor, including what it means 'to publish', the worth and relevance of the Hicklin test, which it found 'obviously unsuitable' but still not 'discarded' in Australia, and the application of the US Roth test of 'contemporary community standards'.²⁶ Justices Owen and Windeyer turned again to Fullager's ruling in the *Close* case to emphasise that while 'no one would question' community standards as the measure of obscenity, this standard *was* assessable by a 'tribunal of fact', as Fullager had asserted, such as the jury in the *Close* case or the magistrate who had initially convicted *Censor* and *Obscenity*.

Like these magazines, *Oz* was sold widely in Sydney by 'street corner vendors, railway bookshops and larger city newsagencies'.²⁷ At the height of its popularity, it sold 40,000 copies. The first issue of *Oz*, published on April Fool's Day 1963, was prosecuted for obscenity in NSW for an article on chastity belts and an interview with an abortionist – likely the first ever printed in Australia – and the editors were fined twenty pounds each.²⁸ The cover of the issue from February 1964 featured a photograph of three men including Richard Neville seemingly urinating into Tom Bass's large contemporary street sculpture, which was moulded to the wall of the Sydney P&O Offices. Inside, the issue reported that the Customs list of banned books was nearing 200 – so growing significantly again – and the Christmas edition of *Playboy* had been seized. The Victorian Vice-Squad warned Melbourne newsagents not to sell the issue and in March 1964 a Kings Cross newsagent 'forfeited' its 140 copies to NSW police.²⁹ In September

the editors and the printer were convicted of obscenity under the NSW *Act* for the cover and other pieces in the issue, especially a cartoon by Sharp mocking Sydney's macho surf culture. Justice Gerald Locke considered a second offence a grave matter and delivered the editors their very stiff sentence: 'It is a serious thing to corrupt the minds of the young'.³⁰

On 26 February 1965, the Quarter Sessions Appeal Court heard the appeal, which Justice Levine upheld. Declaring that it had not been established that 'the magazine or any part of it is obscene within the meaning of Act', Levine accepted the expert evidence defending it as a form of satire – or as a literary form. 'Satire is an important part of the literature of protest dating back to ancient Greece and Rome,' he declared, citing the cover shot as a legitimate example.³¹ Tom Bass gave evidence and declared himself merely amused by the urinating stunt, 'although it pointed out an aspect he had not envisaged', noted the *Bulletin*. The cover, declared Levine, was 'not conducive to public urination and does not constitute an offence under the Act'.

Levine warned against the use of obscenity as a political tactic, nevertheless, in terms that Altman would later use to call for exactly that, after himself coming before Levine's court: '[b]ut while it may be a necessary part of satire to be critical of human behaviour by using a wide variety of weapons, . . . nevertheless I cannot make it too clear that obscenity may not be used as a political weapon'.³² *Oz* had arguably more in common with *Censor*, *Obscenity* and the television comedy *The Mavis Brampton Show*, which Neville wrote for, than *Lady Chatterley's Lover*, which was still banned when *Oz* was released. But it was successfully defended by literary experts on its claims to artistic merit. For Levine, this was its saving grace: that what could be called art, even satire, was still separate from politics.

The *Oz* case was a premature breakthrough in Australian definitions of obscenity, and the *Bulletin's* optimism about a 'slight slackening' of censorship was misplaced. Legally, Levine's judgement argued for the need to establish a publication's 'real and practical tendency' to corrupt particular populations. This liberal interpretation of the Hicklin ruling was referred to the Criminal Court of Appeal, which rejected the restriction of proof but effectively handed the matter back to Levine. His final decision noted instead changed community standards, which 'accept today an open discussion of matters of sex'.³³ The magazine's high readership numbers and the press coverage of the trial did ensure that the release of *Oz* was at least wide public

knowledge. This ruling was then available as a powerful precedent, but wide discretion in the definition of obscenity in the NSW *Obscene and Indecent Publications Act*, its Hicklin import remaining from the 1955 revisions, meant that the *Oz* case was far from the last prosecution launched against meritorious publications in Australia. In the UK, the relocated *Oz* magazine would famously win the most notorious obscenity trial in the history of British publishing, in July 1971.

Hastening slowly

Changes in censorship regimes were not a cause of social change but belated, laggard symptoms of change, which then facilitated more of it. By the mid-1960s, even some Customs officers were sick of their role as the nation's moral guardians. Wayne Dale, an officer from Western Australia, recalled the terrible results of a raid on the home of a primary school caretaker after a banned publication had been intercepted. After the officers removed other material, 'which by today's standards would be considered insignificant', and returned to Perth, the humiliated man committed suicide.³⁴

Other officers and especially the Comptroller Generals were more directly influenced by lobbying for stricter censorship from organisations like the South Australian Methodists and the Building Workers Industrial Union, however, or the Welfare and Decency League, which presented a petition of over 70,000 signatures to the NSW Chief Secretary in 1966. The NSW Council for Civil Liberties described the League as a 'front' organisation for collaborative church action.³⁵ Many officers resisted the stigmatisation of Customs' moral role in chasing pornographers. Preventive officer Clive Bull believed that his job was to 'jump on people like this who were breaking the law and . . . making lots and lots of illicit loot out of it'.³⁶

The government's humiliating backdown on *The Trial of Lady Chatterley's Lover* initiated the 1965 and 1966 release of a number of high-profile literary books. Again homosexuality provides the most visible index of change. Finally passing Vidal's *The City and the Pillar* in 1966, banned since 1950, Board member Masterman noted that 'even then [it] must have been rather unlucky to fall foul of the censors of the day'. He ended: 'recent releases indicate that the mere admission of the existence of homosexuality . . . can no longer be regarded as in themselves a valid reason for prohibition'.³⁷ Finding it 'sincere, restrained and full of insight', Hewitt placed Vidal's book in a larger context, including the Lord Chancellor's lifting of the ban on

homosexuality on stage in the UK, and compared it to a much newer novel, written by an Australian and set in Perth: Neville Jackson's *No End to the Way*. 'If the time has come to release a number of books on homosexuality I think these two would be good, serious fictional studies with which to start.'³⁸

Neville Jackson was the pseudonym employed by west Australian writer G. M. Glaskin to publish his ninth novel, the only one of eleven to focus distinctly on male homosexuality. Published by Barrie and Rockcliff in London in 1965, it is set in the pubs and suburbs of Perth. A richly detailed portrait of what could by then be called a gay world, the novel was marketed as 'the classic novel of a homosexual marriage' and Robert Dessaix's anthology of Australian gay and lesbian writing names it 'Australia's first gay novel'.³⁹ Its central focus is on the love and difficulties of a handsome young couple whose relationship social opprobrium makes untenable. In her report on it for the LCB, filed in August 1965, Hewitt quoted from the book's ending, which 'sounds like true experience and is bitter and moving'. Central character Ray declares: 'If it takes anything, it takes a good deal of character to be a decent homosexual.'

The 1965 edition was forwarded in proof copy to Customs in late 1964 and banned on 2 December. An appeal was mounted, and it was sent on to the LCB.⁴⁰ Hewitt's warm report approved *No End to the Way* for release and warned that banning could even 'provoke the charge of political censorship because of the contrast made between Dutch Law and Australian'. (Glaskin spent much of his writing career in Holland but returned permanently to Western Australia in 1967.) Bryan reported less enthusiastically that it was 'one of the few palatable novels about homosexuals that I have read'. Masterman declared the book 'a sincere and genuine attempt to put the case for the more understanding treatment of male homosexuality proposed in England by the Wolfenden Report' and recommended release.⁴¹

No End to the Way was released by Customs on 6 February 1966 after a thirteen-month ban.⁴² Republished in paperback in 1967 and 1968, like *The City and the Pillar* it was made available, as Dessaix declares, 'not just to the cognoscenti or to prowlers in the library stacks, but to fathers of three stopping off at a railway kiosk on the way home from work, to men in the suburbs curious about their own sexual inclinations – in other words, to ordinary Australian readers'.⁴³ Those Dessaix identifies as 'ordinary Australian readers', especially sexually curious men, were among those

defined quite differently by Binns as the 'sexually unstable readers' of the 1950s. Paperback fiction about homosexuals was making its way to a new readership.

The 1965–66 review also considered Niall Kent's *The Divided Path*, published by Greenburg in New York in 1949 and banned with two other titles in 1953. The Board retained the prohibition on it, however, because its 'excessive' homosexual content was not mitigated by enough literary merit. Its treatment demonstrates the increasing variance of Board opinion. Kenneth Slessor felt it fitted into the class of novel described in his general note on homosexuality. 'For typical extenuation, condonation, defence and romanticising of this anti-social abnormality one only has to look at page 360.'⁴⁴ On that page, one character cites the Greeks, the sonnets of Shakespeare, and Michelangelo, reassuring another: 'So you see you're in damned good company, and you haven't a thing to be ashamed of'.

J. P. Donleavy's widely successful, comic novel *The Ginger Man* was reviewed and finally released, with Hewitt deciding, 'I do not think it should be banned, nor do I think it will shock anyone – rather it answers a question we should ask ourselves – how do these beat types live when they leave university and marry?' Koch-Emmery declared it 'superbly written', 'a masterpiece' and H. C. Chipman found it 'certainly bawdy, but not necessarily obscene'. He concluded: 'This appears to me to be a case in which the earlier decision to ban the book was probably justified at the time and that there is now just as much justification for its release'.⁴⁵ 'The purported realism' in Glen Sire's *The Deathmakers* from 1960, however, went 'beyond the bounds of decency even in the present broad minded atmosphere' for Bryan and it remained banned. Slessor noted scenes of slaughter, rape and forced female masturbation in Sire's rendering of warfare during World War II that were 'too forcefully described even for records of this type'. He didn't doubt the novel's veracity: 'The big problem is how much veracity can be tolerated by social conventions'.⁴⁶

Far from releases taking the pressure off Customs censorship, public criticism continued, while state prosecutions highlighted inconsistencies. In May 1967, Labor's John Wheeldon from WA, having perused a selection of banned books from Customs, spoke strongly in the federal Senate protesting the banning of books of merit. He listed the prohibition of almost the entire works of Jean Genet, the Marquis de Sade and Henry Miller, as well as Norman Mailer's *An American Dream*, William Burroughs' *The Soft Machine*,

the *Kama Sutra* and particular issues of the US cultural journal *Evergreen Review*. Stephen Marcus' breakthrough scholarly book on nineteenth-century erotica and pornography, *The Other Victorians*, was noted: a ban among others directed at anti-censorship scholarship. Simone de Beauvoir's 1953 essay *Must We Burn de Sade?*, still banned from 1956, was 'one of the most extraordinary inclusions on the list'. In direct questions to the Minister, Wheeldon asked him to provide the ages of the members of the Literature Censorship Board.⁴⁷

In March 1967, Hewitt was filing a report to the LCB on Peter Fryer's *Private Case – Public Scandal*, which Customs had already banned. In this book Fryer revealed the existence of the British Library's Private Case of obscene publications, calling for it to be catalogued and the list made available to the public, while his articles in the *New Statesman* had also done this. Fryer's book was condemned by Hewitt as 'platitudinous' and 'sniggering', although she allowed that it should be released. 'This book explodes quite ably the popular Australian myth that there is no censorship in Great Britain; it shows that the British are, in fact, less open than we are, and very given to making things easier for the wealthy'. More than that, she noted that he included some extracts that 'are really nasty and should serve to suggest to some readers, surely, what the Australian system is keeping off the nation's bookshelves'.⁴⁸ Among their last actions as the LCB, the members decided with Hewitt to release it in May 1967.

Regime change

In a press release of 18 December 1966, Senator Ken Anderson, the Minister for Customs and Excise, with six state Ministers, announced the details of a proposed joint literature censorship advisory board. In the wake of the controversy surrounding *The Trial of Lady Chatterley*, in which the need for uniform censorship once again had been highlighted, federal cabinet had accepted that the initiative lay with the states. For the first time in the long debate, the states had acted in unison and in December 1965 their ministers submitted a plan to the Commonwealth for an intergovernmental agreement on uniform literature censorship.⁴⁹ The National Literature Board of Review was formally established in January 1968, after long negotiations, amendments to the Customs (Literature Censorship) Regulations and new legislation in each state.

Replacing the LCB (then six members) and the Appeal Board (three

members), the new Board had nine members, six of whom were federal nominees and three were chosen from three possible names nominated by each state. The minister declared that membership would be 'as broadly based as possible in regard to qualifications and backgrounds' but it was not largely different from the old.⁵⁰ Of the nine, six were already members of federal or state censorship boards. Two others were education and child welfare experts – Dr Marie Neal from the University of Sydney and J. A. McCall, a child welfare bureaucrat from Western Australia – while Lloyd O'Neil, a youngish publisher with an anti-censorship reputation leavened the mix. James McAuley was appointed, and from the Queensland Literature Board of Review, Una Mulholland, housewife.⁵¹ She was the only non-professional and non-industry member, although she had served on the Queensland Board since 1955, and it was the first time women had been represented by a housewife figure.

The most significant change was that the National Literature Board of Review would consider *both* imported and locally produced 'books of literary, artistic or scientific merit'.⁵² The Board's opinion would be binding on all states; prosecution of books could now occur only at ministerial level in most states, removing some of the powers of police. And the procedures for legal appeal were changed. In the history of the *Customs Act*, not one single case had been brought against the department for wrongful seizure of a book. Murray-Smith had had support for an action over *Borstal Boy* and politics lecturer John Power had one on the High Court docket for *The Ginger Man* in 1965 when Customs released it.⁵³ The threat of having to pay the department's costs in the event of a (probable) loss was sufficient deterrent. In 1967, finally, the *Act* was amended so that in a legal action a plaintiff would only be liable for costs if the seized goods themselves were worth more than \$200.

In other ways, however, the new system was little different from the old. Geoffrey Dutton and Max Harris's interventionist collection titled *Australia's Censorship Crisis*, published in 1970 with an appendix of extracts from banned works inviting prosecution, included an essay from legal academic Tony Blackshield. He noted that the new Board was effectively the same Board, especially since it remained an advisory body only and no real legal powers had been given to it by the states. The Victorian Council for Civil Liberties and the *Australian*, the *Age*, *West Australian* and *Perth Daily News* newspapers had declared the same concerns.⁵⁴ The Queensland government in fact had

interpreted the provisions to mean that publications of no merit could still be prohibited independently by the states and thus had acted to ban the work of decadent, art nouveau artist Aubrey Beardsley. The implication that his work 'is of no artistic merit will probably raise some eyebrows', noted Blackshield. 'But in the field of Australian censorship, nothing should be surprising.'⁵⁵

Between 1968 and 1970, the NLBR considered 90 titles, just 1 per cent of the total number considered by Customs: in those three years the department's central office dealt with 2940 and the state branches with 5580 titles. An internal report noted that 70 per cent of publications in state branches were recommended for release, 53 per cent of those in central office ('this is to be expected because of the standard of publication referred to Central Office') and 65 per cent of those referred to the NLBR. So a significant number of publications deemed non-meritorious were banned, while twenty-six titles of merit were prohibited by the Board in the three years, with another five sent back to the department or pending at the time of the report. The Board also reviewed 76 already prohibited titles (only thirteen of which it didn't release), prohibited 10 of 17 referrals that had come direct from the Minister, and considered 9 appeals against bans, 6 of which were upheld.⁵⁶

Detailed statistics like this are not available on the activities of the LCB. The reason the NLBR decisions *are* recorded is the appointment of Don Chipp as a new Customs Minister, unlike any before. After a closely fought election, the Liberal–Country Party coalition government had been returned in October 1969 under Prime Minister John Gorton, with a much reduced majority of just six seats. Formerly Minister for the Navy, Chipp exercised his new portfolio to make dramatic change. He became one of the best-known figures of the Gorton and McMahon governments – 'and the most trendy man in public life'⁵⁷ – well before his historic resignation from the Liberal party in 1977 to establish the Australian Democrats.

Mr Chipp and the porno-push

'The concept of censorship is abhorrent to all men and women who believe in the basic freedoms,' Chipp declared in June 1970. The first Minister of Customs to address the House of Representatives on censorship since Thomas White in 1938, and the first to criticise it, Chipp noted that 'the Australian public now has a greater interest in the subject than at any

previous time'.⁵⁸ He delivered a comprehensive statement, dubbed 'Don Chipp's Credo', which ranged across the effect of sex and violence in films and publications, the degree of government responsibility, and the law in Britain and the US, quoting Milton and John Stuart Mill on principles of liberty and liberal philosophy.⁵⁹ Positing censorship as a 'necessary evil', Chipp declared that:

censorship should be open to public scrutiny; the amount of censorship should be as little as possible, within the limits set by community standards; and in the ultimate, all members of the community, especially parents, I repeat, have the prime responsibility in censorship; the community cannot simply sit back and expect the Government to protect it.⁶⁰

This was not merely a difference in policy, but a major shift in philosophy.

Chipp was arguing not for the abolition of censorship but for a reconsideration of its role and implementation, rethinking the balance between individual liberty and the common good. The emphasis on community standards in determining offence, rather than an abstract definition of obscenity, signalled that his position was similar to the liberal directions of some legal decisions of the 1960s, including the High Court's emphasis in 1967, as well as the positions being articulated in the press and in state and federal parliaments, as opposition to censorship became mainstream.

Opposition Labor MP Bill Hayden applauded the Minister's foray into the subject, hoping also for free and open debate in the community and in Parliament, before cataloguing a litany of censorship scandals and debacles, most of his speech informed by Peter Coleman's history. Chipp interrupted to ask, 'Is the honourable member suggesting that there be no censorship of books or films at all for adults?' Hayden replied: 'Yes, indeed I am. I believe this in sexual matters although I have some reservations about violence at this stage.'⁶¹ In an even lengthier debate after parliament resumed from the winter break, twelve MPs from both sides came to a surprising consensus (even to them) that 'liberalism or the surrender of control is more desirable than the accentuation of control', as Gordon Bryant, the Labor member for Wills, phrased it.⁶² Three Labor members, including Bryant, with Moss Cass and Dick Klugman, argued against the need for censorship of any kind.⁶³

Similar debates were witnessed in state parliaments, although NSW members witnessed a new and purposive development. Labor member for the seat of Port Kembla, George Petersen, made explicitly feminist arguments against pornography in 1971, warning against full liberalisation and acknowledging his debt to the Women's Liberation Movement, the first time such a position had been represented in any Australian parliament.⁶⁴

Comptroller General Alan Carmody saw which way the winds of change were blowing, or had blown, and immediately upon Chipp's appointment demoted censorship to the last of Customs' priorities, citing staff shortages and listing it after 'quarantinable material, narcotics, illegal firearms, prohibited imports and duty collection'.⁶⁵ Some of Chipp's most immediate changes included allowing MPs and senators to borrow any banned book from the Customs reference library, via the parliamentary library, for two weeks to read at home; deleting the regulation prescribing censorship of Australian films for export; minimising censorship of film festivals on the basis that festival audiences were adults and interested in the art of film; and instituting a special screening of censored films to members of parliament, journalists and church representatives, in what became known as 'Don's Blue Movie Show'.⁶⁶ A 'full-scale' revision of the film censorship regulations was already underway by the time of his June 1970 speech, and this would include the introduction of an appeals board for film censorship, a regular public bulletin from the Chief Film Censor listing films both cut and rejected and why, and most controversially, the 'R' rating classification for films.⁶⁷

Implemented by the middle of 1971, the classification meant that for the first time, children between six and eighteen would be properly excluded from films deemed unsuitable. It was accompanied by two other classifications: (G) for general admission and (NRC) 'not recommended for children', the (R) replacing the old (AO) Adults Only rating that had not been well policed. The *SMH* and the *Australian* supported the ratings, which Chipp called 'a watershed in Australian censorship history'. 'Mr Chipp and the Porno Push', a protest pamphlet penned by R. A. and J. A. Strong voiced opposition from Chipp's own constituency, however, declaring that 'Mr Chipp has in effect given notice that he proposes to pass a higher grade of filth.'⁶⁸

By March 1971, more than 60 books had been released from the gazetted list of banned literary titles, including *The Scented Garden* by Dr Bernard Stern, T. E. Lawrence's memoir *The Mint*, Steven Marcus' *The*

Other Victorians and banned works by Norman Mailer. This reduced the list to 62 titles, reported the *SMH*, a 'surprisingly small' number. It also quoted Alec Sheppard, then president of the NSW Booksellers Association, recommending that 26 of those remaining should also be released, including Genet's five banned works, books by the Marquis de Sade and Beauvoir's essay, as well as *Fanny Hill*, Harold Robbins' *The Inheritors*, Hubert Selby's *Last Exit to Brooklyn* and Burroughs' *Naked Lunch* and *The Soft Machine*.⁶⁹

In his first months, despite this determined action, Chipp faced further challenges – some of the most high-profile book censorship scandals in Australian history. One of the first involved a conflict between his two principal concerns as minister – the liberalisation of censorship and greater control of the circulation of illegal drugs. In his regular Saturday column in the *Australian*, Max Harris called for the release of the banned Granada Publishing title *The Marijuana Papers*. It had been banned under Item 4A, as were most pro-drug titles in this era when the popularity of experiments with mind-altering drugs was expanding, as 'unduly emphasising matters of . . . crime'. Chipp released it, upholding an appeal from the publishers, and notified Harris and the newspapers.⁷⁰

Then came the first court case for wrongful seizure of a book to be brought against Customs in its history, brought by Altman about Gore Vidal's *Myra Breckenridge* and Sanford Friedman's *Totempole*. After that, Philip Roth's *Portnoy's Complaint* was banned by the NLBR but published domestically, in a major challenge to Customs' control. The public witnessed headline court cases in most states except South Australia, where Roth's novel circulated freely. Then *Tharunka* obscenity charges clogged the NSW courts and the antics of the activists added to the hullabaloo. Chipp's final censorship scandal was his widely criticised release of *The Little Red School Book*, a radical Danish book directed at high-school students. The fights about these cases were fierce and conducted with new purpose and efficacy. Customs was on the back foot and it had nowhere much further to go. But these were actually the last public contests over literary censorship that Australians were to witness, and the last vestiges of real control by Customs over what Australians could read.

The ‘last’ banned books

Gore Vidal's *Myra Breckenridge* is hardly a serious novel at all. It is aggressively satirical, an absurdist parody of a post-sex-change America that is itself merely performance, a citation only of the glorious Hollywood past and beyond parody in its celebrations of meaninglessness and play. 'To say that Mr Vidal's new novel is queer would be an understatement,' declared the *Observer*. 'It is a queer, queer book, a virtuoso exercise in kinkiness, a draught of fizzy hemlock, a strikingly intelligent attempt to go as far as possible in outrageousness.'¹

Vidal's eleventh novel was published by Little, Brown with warnings to reviewers not to divulge the plot twist, which was that Myra herself, the beautiful heroine whose diary entries make up the book, has undergone an operation. Formerly Myron Breckenridge, a gay movie critic and nephew of Buck Loner, boss of the drama academy where she has inveigled herself, Myra has staged her own death and now claims a share of the academy as Myron's widow. The heroine's sex change is wearing off, however – gender reassignment was still unusual enough to be represented as fantastical – and a car accident towards the end of the novel completes Myra's reversion back to Myron.

Myra, meanwhile, is on a mission. She is a domineering, exhibitionist, cultural-theory-and-classic-Hollywood-quoting glamour queen determined to revenge womankind: 'the new American woman who uses men the way they once used women'. Her goal is 'the destruction of the last vestigial traces of traditional manhood in the race in order to realign the sexes, thus reducing population while increasing human happiness and preparing humanity for its next stage'.² After executing a meticulously planned dildo

rape of the academy's most all-American young man, Myra seduces his girlfriend and then after the sex-change reversal lives happily ever after with her as a man. Hope Hewitt's report for the NLBR acknowledged: 'At least Mr. Vidal has thought up a new gimmick: his heroine has undergone a sex-change operation, the effects of which begin to wear off later in the book; so the central figure can pursue both male and female aberrations in his own person.'³

The rape results in enthusiastic homosexual activity for the young man, released apparently happily from his repressions into the soap-star persona of 'Ace Mann'. The *Times Literary Supplement* agreed with the Australian Customs official who first reported on *Myra Breckenridge* that homosexuality and its variants of gender-fucking are offered as 'mankind's Malthusian salvation'. The *TLS* did not feel it necessary to take this seriously, however, unlike Customs.⁴ Its reviewer found instead that 'today sex is metamorphosed as easily as fancy dress' and that the dissolving of the 'real male' was the novel's central aim.⁵

After release in February 1968, the first edition was reprinted within the month and the Bantam paperback sold over two million copies in the September of its release. The cover featured a photograph of a 1955, 500-pound sculpture of a chorus girl from outside a Las Vegas Hotel, which had inspired Vidal and which was sent on a tour of the US by Twentieth-Century Fox after they'd secured the film rights.⁶ Released in 1970 with the tagline 'weird, wild, sexy, strange', *Myra Breckenridge* is now one of the classic B-grade films of the era, starring sex-bomb Rachel Welch as Myra and, in her last film role, 77-year-old Mae West (whose books had been banned for many years in Australia).

A UK edition with some words and lines expunged, especially from the key rape scene, was proposed 'in deference to the high moral climate that currently envelops the British Isles', as Vidal noted within the edition.⁷ Hutchinson, the Australian distributor for the publisher Anthony Blond, sent a proof copy of the North American edition with marked edits for the UK edition to Australian Customs to pre-empt any ban. The hard-working Literature Review Section received it and officer J. H. Richards collated reviews from the international press ('these consider the book pornographic but justified by its humour and general comment') and reported to his superior, Byrne, in May 1968. He noted that Customs had assessed three previous works of Gore Vidal, one of which had been prohibited, and that:

'this novel will be a difficult one to decide on . . . The expurgations do not do all that much to break down the objectionable content. Much of the close description involved in the rape of Rusty has been omitted but the long build up is still maintained.'⁸

Byrne agreed that it be sent to the Board, and noted that 'much of what the author has to say is humorous and valid. However his use of sex as a means of satire is not really successful as a literary device but it does succeed in bringing the book within the scope of Reg. 4A'.

The Board assessed both editions on the evidence of the marked proof copy in June 1968. H. C. Chipman found it 'an entertaining novel with elements of true satire' and 'a pleasant relief from some of the more rubbishy novels which have been inflicted on us'. He declared the UK edition suitable for Australian distribution, but 'too much detail' in the rape scene meant the US version should be prohibited. Hewitt agreed. While the 'send-up is beautifully sustained and often very funny . . . Myra's sexual jaunts are explicit, savage and aberrative beyond the usual', especially the rape scene, which with the proposed cuts was still 'clearly homosexual' but 'much less sadistic'. James McAuley recognised its mode as 'fashionable camp': 'The literary quality of the work is by no means negligible. It is not simply a work of efficient pornography but highly ambiguous. I find it easier to read it as a rather cold-blooded send-up. In spite of some doubts I am inclined to accept it, though not with enthusiasm.' While the cuts were welcome, he passed both editions.

Child welfare expert J. McCall, in contrast, saw the main plot as 'an indecent and aggravated assault by the "heroine" upon one of her male students'. He thought it a book with 'minimum literary merit' in which 'the detailed preparation for the assault and the meticulous description of its enactment' were 'such as to conduce to depravity'. He recommended that neither edition be released for sale. With a three-to-one decision to ban the US edition and a three-to-one decision to permit the UK edition, the Minister Senator Malcolm Scott banned the first and permitted the latter in September 1968.⁹

A copy of the US *Myra Breckenridge* was confiscated from Mrs R. H. Stirling from South Perth in July before the ban and a pirated edition from a resident of Five Dock in Sydney in October 1968.¹⁰ In December 1968, while on a trip to the US, politics lecturer and gay activist Dennis Altman bought paperback copies of *Myra Breckenridge*, then the number one bestseller in America, and Sanford Friedman's *Totempole*, a minor gay novel banned

by the Literature Censorship Board in December 1966. He posted them back to himself in a large batch of about 100 books.¹¹ Customs opened the parcels and seized both *Myra Breckenridge* and *Totempole*, prohibited under Regulation 4A of the *Customs Act*.

A year after the seizure, on 4 December 1969, not even two months after Chipp had replaced Senator Scott as the new Minister, an action brought by Altman against Customs to recover his property began in a NSW District Court. A Sydney University colleague of Altman's involved with the NSW Council for Civil Liberties had brought him support from the organisation, which was looking for a test case now that a court challenge was financially feasible.¹² For Altman, it was 'an appropriate action to take against a government which talks so much about the sanctity of private ownership'.¹³

The case had to be defended by Customs on the grounds that the books were obscene. Altman described the Customs' lawyer 'quoting page references with relish' and detailing the 'dirt for dirt's sake' that could be found in both books. He declared that the weak defence argument revealed that obscenity could only be defined subjectively, that the emphasis on the danger of cheap editions exposed 'an implicit class bias in the Customs case' and that 'argument for unorthodox sexual views' such as bisexuality was posited as obscene.¹⁴

The plaintiff's lawyer could not introduce reviews or expert opinion directly – the judge had indicated that he alone was the measure of community standards. While reviews could be introduced into the courtroom as also the lawyer's own opinion, the freely circulating UK expurgated edition of *Myra Breckenridge* could not be referred to, even though as Altman continued to emphasise in publicity surrounding the trial and subsequently, it contained some of the supposedly obscene passages referred to by Customs in their defence.¹⁵

Judge Levine decided he would read the books himself and announced his decision six weeks later. He found Friedman's *Totempole* inoffensive: 'I reject the submission that it amounts to a text-book on homosexual practice, and I do not believe the ordinary reader would alter his sexual behaviour as a result of reading this book'.¹⁶

Myra Breckenridge was a different matter. Levine cited previous cases in order to construe obscenity as that which 'transgresses the generally accepted bounds of decency'. Of these Fullagar's ruling in the 1948 Close conviction was again prominent:

The 'last' banned books

If, in relation to this book, I was to pose the question suggested by Fullagar J. in *R. v. Close* (6), namely, 'Do you think there are passages in it which are just plain dirt and nothing else, introduced for the sake of dirtiness and from the sure knowledge that notoriety earned by dirtiness will command for the book a ready sale?', my answer would have to be 'Yes'.

It was not merely that Vidal had 'spelled out (as it were) physical details' in terms that could only be described as 'filthy, bawdy, lewd and disgusting', but that in Levine's opinion he had done so in a manner that offended without a literary aim: 'The standards do change from time to time, and there is no doubt that the present movement is towards total permissiveness. However at any particular time the community is entitled to protection against the publication of books which offend against the then current standards.'¹⁷

Customs was required to pay Altman the sum of one dollar, the agreed value of *Totempole*, but Customs won in the case of *Myra Breckenridge*.

Customs' Comptroller General A. T. Carmody sent a letter to all Collectors on 22 April 1970 informing them of the case and the outcome, including copies of the judgement, and notifying them that 'the prohibition on the importation of *Totempole* has been lifted and its title will be removed from the gazetted list in the near future'.¹⁸ Some of the press saw the outcome as an historic victory against censorship but Altman described the outcome as a 'draw'. He saw little benefit in replacing the power of the minister with that of a judge, and drew further connections between the censorship of sex and broader social repression: '[T]he general assumption that our censorship is "about sex" is wrong, or at least too simple. Censorship in Australia has strong political implications.' Citing the examples of Norman Mailer's *Why are We in Vietnam?* (banned 1968–71), LeRoi Jones' *System of Dante's Hell* (banned 1967–73) and William Burroughs' *Naked Lunch* (banned 1960–73), Altman also highlighted underground periodicals, banned because 'they depict politics *in obscene terms*'. Mailer's experimental novel about a young man's hunting trip to Alaska with his father, narrated on the eve of departure for Vietnam, examines the motives behind US foreign policy in terms of Manifest Destiny and Western imperialism but was banned as obscene. 'Censorship acts not only to preserve "good taste", but also to exclude radical critiques.'¹⁹

Vidal's three banned books, deploying as *Myra Breckenridge* certainly did

a Marcusan notion of 'sexuality as a liberatory force that had the potential to counteract the reifying effects of advanced capitalism',²⁰ were unavailable in Australia from 1950, with *The City and the Pillar's* ban, through to the end of the 1960s. They could not feature significantly in the bank of knowledge from which early gay and sexual liberation could draw in Australia, or impact on the conceptual dynamics of sexuality and identity as they developed through the 1960s. *Myra Breckenridge* was finally released in a review of titles under the Whitlam government on 29 September 1973.²¹

Portnoy's Complaint

Eight books were published domestically to beat import bans from Customs between 1965 and 1972: *The Trial of Lady Chatterley's Lover* (A. W. Sheppard), *Sam, the Ceiling Needs Painting* (a private publication by a Sydney solicitor), *Do It* by the Yippie activist Jerry Rubin (published in Melbourne), *Portnoy's Complaint* (Penguin Australia), *In Praise of Older Women* by Stephen Vizinczey (Australian Book Company), *The Wonderful World of Barry McKenzie* by Barry Humphries (Sun Books), *Sexual Techniques* (Australian Book Company), and *Beautiful Losers* by Canadian singer-songwriter Leonard Cohen (Angus & Robertson).²² *Beautiful Losers* was declared a prohibited import in 1967 and a publisher's appeal was rejected by the NLBR in 1972, so Oz's Richard Walsh, then at Angus & Robertson, published 3000 copies. Walsh told the *Sydney Morning Herald* that he did not expect to be taken to court, 'not after Portnoy'.

Philip Roth's *Portnoy's Complaint* was banned by the NLBR in June 1969, with the support of Minister Scott, who declared the novel the 'worst book' he had ever read.²³ For the next two years, this ban rarely left the news. *Portnoy's Complaint* became a watershed case for Australian censorship when its domestic publication saw prosecutions or trials in five states, in the first and only full test of uniform state and federal practice. *Myra Breckenridge* had tested Customs' teeth and pulled some of them. Roth's novel took the fight to the states. In terms of the public debate, its wins were the largest of the anti-censorship lobby, and the ways in which literary obscenity was understood were transformed. After Portnoy, literary obscenity made little, if any, sense in Australia.

Immediately after the ban the Melbourne *Age* ran a review on its editorial page, echoing the assessment of the *TLS* that the book was 'a classic comic statement of the Jewish condition'. Julian Mitchell in the *New Statesman* said it was 'wildly funny and brilliantly clever' and 'extremely frank without being

either mawkish or nauseating'. In *Overland*, Laurence Collinson wrote from England that it was 'a joyfully obscene comic novel, superbly written with insight and gusto'.²⁴ The *Australian Financial Review* reported that, outside Australia, *Portnoy's Complaint* was banned only in South Africa, Rhodesia and Malawi, as well as Ireland, where the ban had not stopped widespread distribution.²⁵

Like readers, publishers and booksellers had had enough of bans. The state systems requiring registration of publishers and the regulation of printers were weighing heavily on attempts to expand distribution and product lists, particularly in NSW, and operated as *de facto* controls on content. By mid-1970 it was not only underground or alternative operations but mainstream publishers who were complaining about restrictions and looking to subvert them. A few months after the Altman court case, Penguin Australia decided it would publish Roth's book domestically, flouting Customs' ban. A novel from an established US writer described as his best and reviewed in glowing terms around the world – it was not even about homosexuality. Alexander Portnoy's complaint, of course, as the novel jokingly describes his condition in its mock epigraph, is 'extreme sexual longings, often of a perverse nature', which can't be gratified because of shame and guilt. It is best known as a novel about masturbation.

Penguin printed 75,000 copies in Melbourne and began distributing them at the end of August 1970. The governments of NSW, Victoria, and Queensland, under their uniform censorship agreements with Customs, threatened to prosecute printers, publishers and booksellers. Penguin's general manager John Michie told the press that Penguin was expecting this: 'We are prepared to take the matter to the High Court.'²⁶ The Victorian Vice Squad raided the company's Melbourne office, where they seized only 300 to 400 undistributed copies of the book. Penguin was rumoured to be keeping the majority of their print run on the move in unmarked trucks.²⁷

On 1 September, the first day of release, Angus & Robertson in Sydney sold 500 copies in less than an hour and put in an order for more.²⁸ Bookshop raids in NSW meant that by mid-September more than 1300 copies had been seized and Michie could tell the *Daily Telegraph* that most of the huge print run had been 'sold or seized'.²⁹ Another 50 000 were due off the presses within weeks. Booksellers enthusiastically collaborated in the rebellion. Owner of the radical, ASIO-bugged Third World Bookstore Bob Gould recalled stalling the police after a tip-off about a raid, so that TV cameras

could arrive to film them smashing their way into the store-room, while the books were stashed in the cellar of the pub across the road.³⁰ Radical bookshops and the newly opened adult sex shops couldn't get enough stock. Queues in the big mainstream stores stretched out onto the streets.

E. A. Willis, the NSW Chief Secretary declared: 'I have read the book and it is the greatest lot of filth and garbage I have ever read without even the redeeming feature of being good literature.'³¹ Victorian Crown Prosecutor Leonard Flanagan maintained: 'Basically it is a book about sex and sex matters and not just restricted to sexual behaviour between the opposite sexes. It includes sexual matters between the same sex and the sexual behaviour of one person towards himself and perversions of that practice.'³² Proceedings were set to begin in Melbourne against Penguin Australia in October 1970 and in Sydney against Angus & Robertson and eight other parties. Tasmania and Western Australia soon also prepared for court.

In dramatic contrast, the new South Australian Labor government under Premier Don Dunstan decided almost immediately to allow *Portnoy's Complaint* to be sold to adults, since 'an adult was entitled to make his own decision on the literature he would read'. Sales were restricted to those who specifically asked for the novel and copies had to be kept under booksellers' counters.³³ Dunstan's decision came 'at a most unfortunate time', said Chipp on 2 September 1970, since it was two weeks before a meeting of state and federal ministers on censorship. He noted that the system of uniform censorship had been in place two years and had 'worked extremely well'.³⁴

The *Portnoy's Complaint* trials were unprecedented: almost nationwide legal action by the states to uniformly censor a domestic publication, while NSW saw the first obscenity trial in that state to be heard by a jury, under new legislation introduced in 1967. In Victoria, a parade of literary luminaries and scholarly experts testified to the book's worth, including the novelists David Martin and Patrick White, Stephen Murray-Smith, poet and professor Vincent Buckley from the University of Melbourne and Professor Manning Clark from the ANU. Two younger women academics, Jennifer Strauss and Dr Lucy Frost, testified to the literary reputation of *Portnoy's Complaint*. White, who flew down from Sydney, emphasised the humour in the novel and declared that 'the sexual treatments are things that happen. They are necessary to the book'.³⁵ Magistrate Mr E. Ross, while determining that the book was of literary merit, still found Penguin guilty under the Victorian legislation, but only fined the company \$100 plus costs.³⁶

In Tasmania Attorney General Max Bingham launched a prosecution too, in October 1970, against Cecil Pearce, manager of Fuller's Bookshop. School-teacher and postgraduate student John Reid sold copies outside Parliament, 'to raise money for ABSCHOL and to protest against Tasmania slavishly following the Commonwealth's lead', and he was also charged. The authorities chose to do so under a section in the Criminal Code punishable by 21 years in jail, which would entail a full jury trial. State Opposition Attorney General Mervyn Everett QC undertook to represent Reid.³⁷

In Western Australia, the Perth Court of Petty Sessions heard charges through December against Joan Broomhall of the Pioneer Bookshop.³⁸ Defence barrister Lloyd Davies brought together testimony from a group of Western Australian writers: Peter Cowan, G. M. Glaskin, Tom Hungerford and Davies' ex-wife Dorothy Hewett had had experience of censorship, and were joined by Fay Zwicky, Donald Stuart, Hal Colebatch and Hewett's husband Merv Lilley.³⁹ The magistrate found *Portnoy's Complaint* obscene – 'patently and often nauseatingly obscene' – but had to dismiss the case because of the defence of literary merit built into the *WA Indecent Publications Act*. The Minister of Police then recommended to Cabinet that the *Act* be amended and Cabinet prepared a draft Bill moving the administration of censorship to the office of the Chief Secretary.⁴⁰

After the *Daily Telegraph* reported Queensland authorities' difficulties in obtaining a copy, the Queensland Literature Board of Review finally decided not to ban Roth's novel, the 1971 annual report recording that, after deliberation, the Board had 'refrained from entering the field of serious literature'. This was despite its view that only works whose literary merit was 'of time accepted status' should escape prosecution under Queensland's *Objectionable Literature Act*.⁴¹ Bill Sutton as manager of the People's Bookshop in Brisbane was reportedly prosecuted for selling *Portnoy's Complaint*, but only in 1972.⁴²

In Sydney, the hearing against nine bookshop owners and publishers began on 14 December 1970.⁴³ Judge Goran and a jury of twelve men – women still had to register to even be considered for jury duty – heard evidence through February 1971, with Patrick White again starring for the defence, along with writers Barbara Jefferis, Nancy Keesing, Cyril Pearl (the long-time censorship opponent) and Alexander Chisholm, aged 80.⁴⁴ After deliberating for more than seven hours, the jury was unable to reach a verdict.

In federal parliament, Labor member Dr Richard Klugman declared that the jury had 'refused to declare' *Portnoy's Complaint* obscene, challenging Chipp to relax the import ban.⁴⁵ Chipp responded that he was 'prohibited by the *Customs Act* from allowing the import of any obscene or indecent publication'. Courts in Western Australia and Victoria had 'unequivocally' declared *Portnoy's Complaint* obscene and it was only because of the framing of the WA law that the charge was dismissed. Klugman, who would later testify to the character of Wendy Bacon in one of her obscenity trials, reminded the Minister that with the NSW outcome the novel could now be legally sold in South Australia, Western Australia and NSW.⁴⁶

The retrial in NSW began in May. Mr W. P. Deane QC, later a High Court justice and Australian Governor General, defended the book and David Marr, now one of Australia's foremost opponents of censorship, served as an articled clerk for the legal team.⁴⁷ For the prosecution, Mr Kenny told the jury that the issue was simply 'whether the book was a clean book or dirty and obscene'.⁴⁸ Deane contended that prohibitions sought to restrict *Portnoy's Complaint* to elite sections of the community, which was untenable. The jury again was unable to deliver a verdict.

Two trials and two hung juries – it was an impossible outcome for the forces of censorship and a dramatic, if not definitive, failure. The NSW Attorney General dropped the action and retreated from the prosecution of literary titles. On 16 June 1971, Chipp released a statement that the federal import ban on *Portnoy's Complaint* had been removed. This was 'because the Australian edition of the book is now freely on sale in three States and in the Australian Capital Territory. It would be absurd in the circumstances to maintain the prohibition on the imported edition'.⁴⁹ With South Australia's recalcitrance the whole endeavour had to collapse. Uniform censorship was in disarray and Chipp's position very difficult indeed.

Censorship remained a thorny and by then inflammatory issue for federal government, indicted not only by the new social movements and sexual liberation, but by claims from youth to social representation and from adults to access to pornography. The fights weren't over for state governments either – but it was the case that the literary was no longer at issue in the same way and would not be again. *Portnoy's Complaint* was the last fiction book to face an Australian court. After Roth, fights over cultural expression left the literary behind. Instead, obscenity and pornography began to be properly defended in their own right.

'Wendy's Dirty Habit'

'Wendy's Dirty Habit' was the title of an interview with Wendy Bacon published in the national students' union paper in March 1971 after her release from Silverwater women's prison. Bacon had been remanded in custody for a week before receiving her sentence on charges of offensive behaviour and exhibiting an obscene publication – notably the slogan on her fake nun's habit, worn to court with 'God fucked me with his steel prick' pinned to its front. Through 1970, from the time Altman was taking Customs to court in March, through the duration of *Portnoy's Complaint* trials into 1971, Bacon and a group of students, editors and writers – some of them well-known, others young and merely outspoken – conducted a coordinated campaign to challenge the obscenity laws of NSW, eventually facing a total of 41 charges.

This campaign was led by students from the University of New South Wales but included younger Australian writers like Frank Moorhouse and other libertarians, as well as A. D. Hope, Thomas Keneally, Tom Shapcott and Frank Hardy.⁵⁰ It connected simultaneously with the Vietnam moratorium marches and protests about Aboriginal land rights – specifically (through Hardy) the long-running strike of the Gurindji workers at Wave Hill station – as well as Communist Party activities, anti-apartheid protests and the headline-grabbing initiatives of the Women's Liberation Movement. At a time when universities were the centre of protest around the world, student newspapers had pivotal roles in articulating the rationale for change and, more than that, enacting it.

Bacon, Val Hodgson and Alan Rees were elected editors of *Tharunka* in December 1969, and while they did not set out to emulate the activities of Martin Sharp in the same publication, they went much further. With sociology lecturer Liz Fell, described by ASIO as 'the brains behind *Tharunka*', and their publisher Graham Dunstan, the editors produced a student newspaper that was both at the edge of international developments and connected with the 'downtown' cultural scene.⁵¹ Publishing on splits in the organisation of the moratorium and the pros and cons of drug policing, and keeping track of the Chicago Eight, then standing trial, the paper was doing its job as an alternative, plugged-in voice for the student body.

It also included lots of discussion of sex and censorship. The editors' first issue included Moorhouse on male orgasm, reviewing Anne Koedt's *The Myth of the Vaginal Orgasm*, as well as updates on the Campaign for Action

Against Censorship, then protesting cuts to the film *Medium Cool*, set against the Chicago riots. As well as a page devoted to censorship, including the editors' justification, Volume 16.3 reserved the bottom half of the back page for the 49 rhyming couplets of the obscene ballad 'Eskimo Nell', topped by a half-page photo of a beaming bride in full regalia.

A tale of 'Dead-Eye Dick and Mexico Pete and the gentle Eskimo Nell', the poem celebrates the exploits of these two well-endowed men and their come-uppance at the hands, or cunt, of Nell:

But Eskimo Nell was an Infidel – she equalled a whole harem,
With the strength of ten in her abdomen and her rock of ages beam.

Amidships she could stand the rush like the flush of a water closet,
So she grasped his cock like a Chatwood lock on the National Safe
Deposit.

She lay for a while with a subtle smile while the grip of her cunt grew
keener,
Then giving a sigh she sucked him dry with the ease of a vacuum
cleaner.

She performed this feat in a way so neat as to set at complete defiance
The primary cause and the basic laws that govern sexual science.

She calmly rode through the phallic code which for years had stood
the test,
And the ancient laws of the Classic school in a moment or two went
west.

'It is difficult to convey the sense of excited surprise we had to see a ballad like this, which we had only heard recited or seen in handwritten or typed form, appear in print in a newspaper,' wrote Moorhouse in 1980. The director of student publications told the editors not to include it and then resigned, and they had to find new printers; 17 000 copies, however, soon 'found a strong downtown demand'.⁵² A meeting of 2000 students, including a performance of 'Eskimo Nell' from the university choir, voted its support.⁵³

The editors did not pretend the ballad had literary merit. The days of excising high culture from the hurly-burly of real communication were over for them: 'Surely any thorough-going opposition to censorship must see

the issue in terms of freedom rather than “artistic” merit.’ Obscenity was legitimate expression in its own right. Notice was served that they would continue to reprint offensive material – the newspaper would be ‘a vehicle of direct action against censorship’.⁵⁴

The thrill of publishing uncensored risqué material saw the next issues include four-letter words, erotica, extracts from banned books and obscene cartoons.⁵⁵ Writers who had been subject to censorship were invited to send work for a special literary supplement. This was reviewed in the mainstream press. ‘Four-letter words are used liberally. Descriptions of the sex act are franker than anything in the banned novel *Portnoy’s Complaint*’, complained the Sydney *Sun*, while Moorhouse’s contribution, a series of imaginary letters to the model Twiggy, was reckoned the most likely to offend.⁵⁶ A poem, ‘Cunt is a Christian Word’, was a notable inclusion in a later issue. ‘The summonses began to pour in,’ recalls Moorhouse.

Pressure from the university saw the editors resign before the end of the year. They went into the city to produce first the spin-off *Thorunka* and then *Thor*, a properly underground, alternative newspaper selling between 5000 and 10 000 copies for twenty cents each. Continuing to break taboos, the newspaper was conceived as part of ‘a shift from *advocating freedom of communication* to *freely communicating*’.⁵⁷ Other university papers also continued to publish obscene material.

Since 1968 Peter Coleman had held the Liberal seat of Fuller in NSW. In 1972 he was *Quadrant* editor and soon to be Chief Secretary in government. From state parliament, the former opponent of censorship denounced the activities of the students:

This student pornographic movement is inspired by a complete loathing of the society we live in and enjoy and seeks to destroy it and set up a totalitarian society in its place. They don’t care about making money. In particular, they seek to destroy all forms of our treasured society, which includes family, church, school and other institutions. It is porno-politics.

The group had arrived at this conclusion in the pages of *Thorunka* already, ‘except that none of the agitators wanted a totalitarian society’, noted Moorhouse sardonically.⁵⁸

On 8 August 1970, from a meeting of about a thousand undergraduates

voting to condemn the actions of the NSW authorities against the paper, the *SMH* published a photograph of Bacon in a nun's habit, Dunstan dressed as Bugs Bunny and Rees in a colonial military uniform. Peter Hade, editor of the orientation week handbook who 'has been summonsed on obscene publication charges', wore a cardinal's scarlet robes.⁵⁹ The emphasis of the protest was on spectacle and play, in a deliberate use of media tactics as well as an anarchist refusal of the legitimacy of state power. The fight was not merely for legal change, but for social transformation through public awareness, in a thoroughly mediatised political landscape. And such dress-ups would yet feature even more spectacularly.

Val Hodgson first wore a nun's habit appearing in the Central Court of Petty Sessions on charges of publishing an obscene publication, while on 17 August two students wearing nun's habits were arrested in the Central Court foyer, one for handing out an obscene pamphlet and Bacon for 'displaying obscene words on her nun's garb'. About 50 students were reported to be handing out publications outside the court. Legal academic Tony Blackshield and Mary McNish, a member of the NSW Council for Civil Liberties, were arrested for attempting to sell copies of *Tharunka*. Blackshield protested the procedures of their arrest and was vindicated by a 'no bill' verdict in their case.⁶⁰ When facing her charges later that day, Bacon was advised first to put out her cigarette and then to take off her habit before she went outside or she would be arrested again. 'She left the court in the jumper and skirt she had been wearing beneath the habit.'⁶¹

A comparable spectacle was presented by 100 demonstrators outside court a week later, this time in colonial dress with an effigy of British landowner and industrialist Lord Vestey, owner of Wave Hill station. Supporting 40 people facing charges from their arrest at a protest for Gurindji land rights, including Bacon, the demonstrators were all also waving miniature Australian flags.⁶² Bacon herself was simultaneously involved in the Prisoner's Action Group, the Children's Liberation Movement, the women's movement and the Resident Action Group in Sydney's Potts Point working to save parts of the inner city from development.⁶³ For a debate with Coleman in 1975, the Children's Liberation Movement was a useful moniker to describe her involvement in the publishing and free distribution of 50 000 copies of the notorious teen publication *The Little Red Schoolbook*.

In her own trial, representing herself and refusing to plead, Bacon was found guilty by a jury of exhibiting an obscene publication – the notice on

her habit – but not guilty of distributing an obscene publication – the poem 'Cunt is a Christian Word'. She declared in her defence: 'I appear here because I wouldn't censor my views. We wanted to publish pamphlets and newspapers which represented our views not those of the Chief Secretary.' By then, Bacon had already also been charged with selling an obscene publication in Manly hotels, with co-conspirator John Cox.⁶⁴ When she informed Judge Levine that she was due in Manly court on the day he set for sentencing, he replied: 'You will be here in custody awaiting sentence in this court'. John Cox was sent to Long Bay men's prison and Bacon to Silverwater.

After her week on remand and \$100 fine, Bacon became the figure most associated with the campaign, though she and others faced many more charges for obscenity offences through 1971. The prominence of women distinguished the *Thorunka* anti-censorship campaign from those of other alternative magazines. While newspaper headlines reported incredulously 'Woman guilty of obscene display', 'Girl Student Guilty' and 'Girl who wore nun's habit fined', Judge Levine expostulated that Bacon's refusal to give details of her background in court meant that 'I don't know if she is married or single or even if it is her correct name'. *Thor* continued to be sold meanwhile, at NSW, Queensland and Victoria universities, and around Sydney hotels, 'especially those used by journalists, students, nurses, and the camp crowd, by bookshops who took the risk, by personal contact and a few subscriptions, at events such as demonstrations and occasionally at beaches'.⁶⁵

Bacon was again found guilty of distributing an obscene publication (*Thor*) later in the year but the verdict was reversed by the Court of Criminal Appeal on the grounds that the judge had misled the jury by suggesting that a publication obscene in part was obscene in total.⁶⁶ *Thor* was stopped only 'by the exhaustion of the staff', recalled Moorhouse. At that point the government withdrew most of the remaining charges.

The Little Red School Book

Bacon had other campaigns to occupy her. First published in English in 1971, *The Little Red School Book* was prosecuted in the UK at the same time as *Oz*, and banned in Italy and France while freely available in the US. Its title mockingly derived from Chairman Mao's published dictums for good revolutionaries, Soren Hansen and Jesper Jensen's book was directed at

high-school students and translated into nineteen languages. Described by Jensen as about 'democracy by information', the book aimed to inform young teenagers about taboo topics, especially sex and drugs, and advocated empowerment of children and young people in an anti-authoritarian style.⁶⁷ The chapter on sex included explicit information about heterosexual sex, homosexuality, petting, contraception, masturbation and abortion, much of the text using slang and four-letter words, in an effort to speak directly to its audience. It was a worldwide sensation before it made it to Australia.

It posed a difficult problem for Chipp. After the failure of uniform censorship, nation-wide defiance of Customs' bans, a public-relations loss against Altman and state courts clogged with protest obscenity actions, Customs' credibility and power had shrunk dramatically. *The Little Red School Book* was referred to the National Literature Board of Review for assessment on 6 July 1971. Customs deliberated about it, however, until 9 April 1972. Legal advice was that Customs (Prohibited Imports) Regulations Item 4A would not apply – the section on sex was not obscene enough, the section on drugs was actually anti-drugs and the radical politics could not constitute grounds on which to prohibit. 'While I'm minister for Customs there will be no political censorship,' Chipp had said.⁶⁸ Moreover, legal challenge to a ban was likely to succeed. Chipp released it for sale. At the first of four occasions when it was discussed at federal Cabinet meetings, Chipp told Cabinet in April 1972 that in fact 'action to print the book in Australia was already in hand'.⁶⁹

The Little Red School Book was published in Australia and New Zealand by Alister Taylor, another young publisher exploiting new technology to rapidly reproduce international works for a domestic market. The Queensland Literature Board of Review decided to ban it: 'The Board felt that to refrain from the making of an order would have been to vacate the responsibilities placed on it by its statutory charge'.⁷⁰ So the Queensland Branch of the Communist Party of Australia released a special Queensland edition. NSW Vice Squads raided bookstores but *Tharunka* reproduced slabs of it and *Thor* also produced its own edition, in the style of a tabloid newspaper, in 1973. Taylor's edition quickly rendered any potential Customs ban pointless, while uniform state action against it would not be launched after *Portnoy's Complaint*. By 1976, the South Australian government could release a fourteen-page pamphlet about drugs adapted from its pages.

Strong political pressure from inside and outside federal government

demanding that Chipp ban it. Chipp would not. His decision was attacked vociferously by the opposition ALP spokesman on education Kim Beasley, the federal secretary of the Catholic-dominated Democratic Labor Party Senator Jack Kane, by the *Catholic Weekly*, and by pro-censorship organisations such as the League of Welfare and Decency and the Community Standards Association.⁷¹ These were joined by Chipp's parliamentary party colleagues and soon by Cabinet ministers, especially from the right of the Liberals.

While the newspapers applauded Chipp, the minister had to defend himself in Cabinet repeatedly. 'I sweated five lonely weeks before releasing it,' declared Chipp to the media and Cabinet records document that loneliness. In April, Cabinet expressed its concerns that 'a book of this kind should be distributed to schools. It agreed that the Commonwealth, through the Minister for Education and Science, should exercise its influence and authority to prevent this.'⁷² Education Minister Malcolm Fraser 'took steps' to prevent its use in schools under Commonwealth control and encouraged the states to follow, although Cabinet had advised that any public reference to *The Little Red School Book* be 'very low key'. The NSW Minister for Education banned it from school libraries in April 1972.⁷³ In a letter to concerned citizen W. S. Clegg from Harvey in WA, Fraser declared that the book was 'totally unsuitable for school age children. The Government is most concerned that the book should not be distributed to schools.'⁷⁴

Bacon participated in a nation-wide, university-student-led action to do precisely this. High-school students from Perth to Armidale in NSW, where the University of New England serves a regional population, remember university types handing out copied extracts of the book at school gates. Bacon was filmed by television cameras being mobbed by students at a Sydney suburban school. 'School kids should have rights,' she declared.

In May 1972, Victorian Liberal Senator George Hannan introduced a Bill into the upper house attempting to impose an individual ban on the book, while a prosecution in Melbourne under the Victorian *Police Offences Act* was stayed one month.⁷⁵ A bulging file of letters to Chipp voices both disapproval and approval from members of the public, church congregations and other parliamentarians. Chipp later told the Sydney *Sun*: 'It is not generally known, but not one imported copy of that book has been sold in Australia'.⁷⁶ *The Little Red School Book* demonstrated definitely that Customs' far-reaching powers over importation were no longer an effective control over the production, distribution and circulation of publications, no matter

their origin or content. Change had happened and government had to change too.

Whitlam and Murphy save Customs from itself

When the Whitlam Labor government was elected in December 1972, Senator Lionel Murphy was made both Attorney General and Minister for Customs. One of Murphy's first acts was to 'save Customs from itself', as David Day describes it, removing its unpopular responsibility for censorship and giving control to the Attorney General's office. Decisions as to whether imported publications and visual materials were in breach of the law would be taken by that department and Customs officers should no longer look for pornography in their examination of either passengers or cargo. Officers were advised that 'the Customs role in censorship matters will . . . progressively diminish'.⁷⁷ The laws remained – Customs was instead asked to change its approach from hindrance to facilitation.

Without point-of-entry controls, significant responsibility fell onto the states. In 1973 and 1974, state ministers met with Murphy in another attempt at uniform censorship and agreement was reached on a new regime of 'classification' rather than prosecution. Guidelines were drawn up to protect minors and guard against public offence, but the aim was that no publication conforming to the guidelines be subject to prosecution under state laws. These controls would apply at point of sale, rather than as material entered the country, and thus more uniformly apply to both domestic and imported products. By 1975, as Barbara Sullivan outlines, all states 'had shifted from an approach which emphasised the need to prohibit pornography to one which regulated its consumption and display'.⁷⁸

All states, that is, except Queensland, where under the National Party government of Joh Bjelke-Petersen even stronger provisions were enacted, so that indecent as well as obscene publications could be prosecuted with new and increased penalties. Through the 1970s, the Queensland Literature Board of Review and the Films Board of Review, established in 1974, banned many hard and soft-core publications and more than 100 films from that state. It was necessary, argued one MP, to 'ensure that our films depict normal behaviour in the community . . . sexual relations, certainly between male and female, are normal, but . . . they are also private'.⁷⁹

Acting on the Labor platform that adults should be free to read or view what they wished, while not being exposed 'to unsolicited material offensive

to them', early in its term the Whitlam government deputised the National Literature Board of Review to examine the 49 titles of merit that remained on the literary banned list. At a special meeting on 22 June 1973, ten titles were released, including *Beautiful Losers*, Frank Harris' *My Life and Loves*, and *Candy* by Terry Southern and Mason Hoffenberg.⁸⁰

At another meeting on 27 and 28 July, the Board recommended the release of nineteen more titles and 'fifteen further titles when provisions to apply restrictions in sale and display of publications were available'. The Attorney General accepted the recommendation to release the first nineteen and then released seven of the other fifteen as well. Professor Bryan expressed the Board's support for the action: 'It is a paradox that such works should be prohibited when other material, patently rubbish, is freely available.'⁸¹ Thirteen titles remained on the banned list in July. At the September meeting, Murphy released eight recommended for restricted release. Five titles only remained before the Board.

Bryan reported on these from his office in the Duntroon military academy in Canberra:

we voted to release *The Limerick* because there was no copy available for us to look at, to release *The Exquisite Corpse* and *Such Good Friends*, to retain prohibition pending a restricted category for *Justine* and *The 120 Days of Sodom*, and to recommend prohibition pending a restricted category for *The Wild Boys*.⁸²

The 120 Days of Sodom had been a prohibited import to Australia since 1954, in its first English translation.⁸³ The Book Censorship Board had actually passed *L'Oeuvre de Marquis de Sade* (Bibliothèque de Curieux, Paris) as long ago as 1934, however, a year after the Board was established. A survey of the life and works 'of the notorious and depraved arch fiend whose name has been perpetuated in the word sadism', as Haydon then described it, the collection included extracts from the works 'but so gross and exaggerated is the obscenity that it can produce nought save loathing and nausea in the reader'. In the Board's opinion, the fact that it was in French also limited its Australian readership.⁸⁴ There was no similar limit in 1973. By December, with effective R-ratings for books, the list of banned books of merit had been reduced to zero.

Nancy Keesing is among the older Australian writers to have

commented that the most significant change to writing in their lifetime was the almost complete disappearance of censorship.⁸⁵ Not only did the Whitlam government enact the effective end of literary censorship in Australia, witnessing a shift to a society in which sexual material of most kinds saw much more of the light of day. It also witnessed the disappearance of literature from the centre of censorship debates. Serious writing no longer had a role in publicly mapping the parameters of debate about sexuality, nor could it be seen as an index of community standards or as a barometer for change. Reading itself lost much of its reputation as a source of excitement or corruption for a vulnerable Australian public. Australian writers and readers moved into a new era of less fettered expression and much more diverse content, whether popular or artistic, mass-produced or avant-garde, experimental or egalitarian, radical or soft core, sexy or degrading, obscene or pornographic.

Out from underground

In the early 1970s, multilith printing and photocopying machines further expanded the ease of producing publications. The result was a surge in the volume of material produced in Australia, including pornography. From 1973, 'the combination of a reduction in legal controls and an increase in both supply and demand meant that the pornography industry expanded rapidly in Australia'.¹ Customs also experienced an increase in imports of pornographic materials from the US in particular. The American Commission on Obscenity and Pornography from 1968 to 1970, commissioned as a 'matter of national concern' since 'the pornographer's trade has come out from underground', found that adult-only magazines were estimated to earn between \$US25 and \$US35 million in 1969 while *Playboy* alone had an income of \$US66 million.² By the end of 1974, the NSW State Liberal government was complaining that 'pornographic material had flooded Sydney in the past 12 months' and Chief Minister Ian Griffith blamed Lionel Murphy.³

At the same time, high and mass-culture distinctions were being dramatically eroded by the success of visual and electronic media, popular cultural alternatives and the culture of rock and roll. Previously pornographic forms of sexuality were not merely smuggled into film, visual art and literature but trumpeted, and the consumption of pictorial pornography itself was given a new legitimacy. Looking at porn could stop dangerous repression of natural sexual drives, some argued, even in Parliament. The US Commission broke new ground by attempting an empirical study of the effect of pornography consumption on individuals, and concluded that no causal relationship between pornography and delinquency could be demonstrated.⁴

Sex was a new focus for cultural contests about power and representation

in those years and literature was no longer the dominant form through which these contests were fought. Transformations in the production and circulation of media with sexual content meant changes in how sexuality could be understood, experienced and valued, and vice versa. The social role of the literary altered as well. This chapter explores the aftermath of the effective end of literary censorship in Australia. It maps an arc in which the role of literature changed so much as to become a niche refuge for what can be called transgressive or subversive representations of sexuality, rather than the prime site of their suppression. Within a broader apparent sexualisation of media culture, literary representations appear less exceptional than they were and have a more limited role. Arguably this has been just as much a result of the decline in the importance of the literary as it has been of the success of arguments defending free speech for art.

All kinds of media featured new sexual topics, from free love to fetishism, homosexuality to abortion, body image, bare breasts and bums. But even this new freedom had limits, if recalibrated ones. In fact, rather than a social transformation that would wholly change the make-up of the nation, as some had wished, it proved a momentary freedom that did not last long.

Disgusting and unacceptable stories

When they couldn't get their short stories published in the established outlets or by mainstream publishers in the late 1960s and early 1970s, Frank Moorhouse, Michael Wilding and other Australian 'new writers' found 'girlie' magazines such as *Squire*, *Casual*, *Chance* and *Man*, and the developing genre of the culturally serious erotic magazine much more welcoming. The influence of these can be seen in the layout of the period's university papers – half spreads of semi-clad or naked young women are draped over poems about orgasm and drug-taking.⁵ 'There were endless battles in the early seventies over four-letter words and sexual content,' recounts Wilding. In the lead-up to Whitlam's election, as the high-profile cases made headlines, Australian writers used sexuality to challenge established definitions of literature as such. Despite the mood for change, they encountered familiar opposition. 'Having had our fiction rejected as disgusting and unacceptable, we decided to promote it under just those labels,' explains Wilding. 'I assembled a collection of so-called *Disgusting and Unacceptable Stories* at the invitation of Ron Smith of Horwitz. Needless to say they didn't publish it.'⁶

Two of Wilding's stories for a collection for the University of Queensland

Press were objected to, with the Vice-Chancellor voicing his concerns. One titled 'The Phallic Forest' climaxes, literally, in a scene in which a neighbour masturbates through a hole in a fence, cumming when the heroine redirects her hose from the veggies to his penis. It is a story 'which Peter Carey always insisted was the best thing I'd written' says Wilding. He removed both it and 'The Image of a Kind of Death' from the collection. Moorhouse offered UQP *The Coca-Cola Kid*, a collection of stories that later provided the basis for a film by Dusan Makevejev. 'But once again the vice-chancellor demurred, and the project came to nothing. It was a pity.'⁷

In 1972, the Queensland Attorney General W. E. Fox forwarded Moorhouse's *The Americans, Baby* to the NLBR for assessment. The book was unanimously passed by McAuley, Leonie Kramer, A. T. Brissenden and Lloyd O'Neil.⁸ The collection included the 'Letters to Twiggy' conceit published to such outrage in *Tharunka*, but the Board considered that such explicit material was from 'the 'liberated' generation of current radicalism' and 'legitimate material for an author to use', as Brissenden declared. Kramer, professor of Australian Literature at the University of Sydney from 1968 and appointed to the NLBR soon after, had previously declared that she did not 'accept the view that pornography can be literature and vice versa'.⁹ Her assessment of Moorhouse was dismissive: 'There is a kind of inventiveness and vitality in the stories which, in the best of them, has some literary interest and value, though . . . my chief impression is of a talent dissipated and trying to express itself with rather inadequate material'. McAuley warned: 'It would be a mistake to create a fuss over this book.'

The Victorian censors did not heed him. *The Americans, Baby* was included in its 'R' restriction classification in August 1975, 'following complaints from parents of students at the Royal Melbourne Institute of Technology, where it was prescribed reading for some students'.¹⁰ In the wake of Chipp's dismantling of port-of-entry controls, some states had introduced 'R' ratings for publications, with state-based boards to arbitrate on titles.¹¹ These echoed the federal structure for film ratings and the established practice of Tasmania and Queensland, but under distinctly more liberal laws. *The Americans, Baby* was restricted on the advice of the Victorian State Advisory Board, chaired by barrister David Bennett, which reported that 'the dialogue and descriptions are rich in gross obscenity. Some of the episodes deal with sodomy, homosexuality, transvestism, bestiality, fellatio, cunnilingus and free love with cohabitation and adultery'.¹² An 'R' certificate

restricted it from display in the windows or entrances of bookshops and it could only be sold to those over eighteen.

The *Bulletin* noted that since 1972 *The Americans, Baby* had sold about 10,000 copies, a third of those in Victoria.¹³ Moorhouse was quoted as believing that the 'R'rating would 'foul-up the relationship between the reader and the book', since some who would have read it will not, and others will who would not have – 'and be disappointed'. The restriction was lifted by Victorian Premier Dick Hamer in December 1975 after representations from prominent literary figures, including three professors of English. Andrew Peacock, then caretaker Foreign Affairs Minister after the sacking of the Whitlam government, was also rumoured to have interceded with Chief Minister Rossiter, who was his father-in-law.¹⁴

Tabloid Story was an alternative literary magazine set up by Moorhouse, Wilding and Carmen Kelly in 1972, joining similar cultural magazines such as *The Digger* in Melbourne, capitalising on the possibilities for freer expression. It saved on costs by being published usually as a supplement to other established journals or magazines. One issue featuring Moorhouse's 'The Oracular Stories' was seized by the Queensland Vice Squad, though the case was dismissed.¹⁵ Amy Witting published 'A Piece of this Puzzle is Missing' in another issue in 1974 and then faced a barrage of protest about obscenity when the issue was included as a supplement in *Education*, including 200 letters from teachers, protests in the NSW Parliament and reports in the *Daily Mirror*.¹⁶ Witting's story is voiced by a woman who can't say no – a literal affliction that subjects her to supporting a man she doesn't like who makes a living by writing about sex. 'Sometimes I think he does things so as to write about them.' Pressuring her for anal sex, he asks:

'Why can't you understand that we are free to do as we like?'

With my back to the wall, so to speak, I did better than usual.

'Is there such a thing as being free not to do something?'

Finally she has her response ready, on a notice in letters three inches high: 'Piss off. Piss off. Piss off'.¹⁷

Let your paps be free

Vicki Viidikas, another of the 'new writers' from Balmain, more directly noted the censure of women's sexuality in the writing of sexual liberation.

'The Incomplete Portrait' from her 1974 collection *Wrappings* directs its accusatory voice at the male 'new reader'.

You do not want to read about my sitting in the VD clinic waiting to have my vagina scraped . . . You do not want to know about it because it's unpleasant, unfeminine, ugly, unromantic, unnecessary . . . yet you'll read Burroughs' description of gouging holes in his thighs with a safety pin to find a vein. You'll read that and say there's some point to it – because his experience is so vividly ugly. Yet a woman writing of an instrument stuck up her cunt is being 'self-indulgent' as the doctors make notes.¹⁸

Federal censorship banned four William Burroughs titles, including *The Naked Lunch* in 1960 and *The Soft Machine* in 1966, and all had only been released from censorship in 1973.¹⁹

Women were looking for new forms through which their sexuality could be felt, experienced, made and represented, outside the constrictions of a man-made world. As early as 1967, feminist artist Vivienne Binns had exhibited a set of paintings drawing on surrealism and hard-edged pop satire that shocked the art world. One was of an erect phallus with flowers growing out of it; another, titled 'Vag Dens', was a starkly flat, pop-colourful fantasia of 'a cunt with teeth', as Binns described it, or a *vagina dentata*. Reviews were hyperbolic: 'this show will tear you apart and make you question every social value you live by and every physically human characteristic we possess'.²⁰

In 1965, artist Mike Brown had been convicted under the NSW *Obscene and Indecent Publications Act* for his exhibition 'Paintin' A Go-Go' at Sydney's Gallery A in 1965, and sentenced to three months' imprisonment, which was overturned on appeal. Other artists besides Binns responded to this scandal. The pop painter Richard Larter, whose works consistently featured his collaborating partner Pat Larter in sexually explicit poses, held a 'Non-exhibition' in protest, with no art, just picture hooks and labels. His 1965 painting *Mr no the rat fink censor* is a collection of repeat portraits of a sharp-faced man resembling both L. H. Allen and Kenneth Binns, turned and examined as if under a microscope. It was purchased by Patrick White. Larter's drawings from the period, set in a brothel called Le Club SM, are now seen as a 'warm response – rather than a riposte – to late-1960s feminist

engagement with central core imagery as a metaphor for women's power and liberation'.²¹

In 1970, Germaine Greer's *Female Eunuch* as well as the London *Oz* women's issue called for women to embrace 'cunt power', and in the pages of the student newspapers Greer extolled the virtues of going bra-free – 'bounce titty bounce', 'let your paps be free'.²² In Queensland, a sex education pamphlet produced by members of Women's Liberation caused an outrage in 1971 when it was handed to schoolgirls outside Brisbane high schools. Titled 'Female Sexuality and Education', it included explicit instructions on masturbation. A member of the state parliament called it 'so obscene, so lewd and such an outrage of modesty as to make a hardened whore blush'. One young woman university student was arrested and postal facilities for Women's Liberation in Brisbane withdrawn.²³ Rather than upholding their role as 'god's police', manifesting the reliable 'taste of ladies', women were being censored. They were not just obscenity's subject matter, as they have been since the invention of the category. Nor were they its offended consumers. They were its proud producers.

A special issue of the second-wave journal *Refractory Girl* was rejected by its usual printers in April 1974 on the grounds that it was obscene. Another printer was found and a leaflet inserted into the offending issue asked 'Are Lesbians Obscene?'

The taboo against free expression of sexuality generally as well as the specific taboos against lesbians have conspired to prevent women from discussing their sexual feelings for each other. We feel that it is time to break this taboo. Lesbians exist. Lesbians have sexual relations.

Women's libber Anne Summers recalled: 'we rejected the notion that these, any more than heterosexual relations, were obscene'.²⁴

Social taboos around both women's sexuality and homosexuality combined to make lesbianism relatively unacceptable still, even though male homosexuality had become such a challenge to censorship. In 1970, *Mr Chipp and the Porno-Push* denounced Chipp for allowing that 'lesbianism and homosexuality did occur in people's lives'. Both of 'these things' – understood separately – 'are simply acquired vices conditioned on the pleasure factor' and publicising them merely promoted a 'social-destructive vice among the young'.²⁵ The women's movement was one vehicle for resistance to such

attitudes, although as the decade wore on fights for the expression of lesbian sexual identity took many non-heterosexual women towards political agitation in their own right. Getting writing about women's sexual interest in women to the public was by no means easy, even in the new liberal environment.

Australia's first out lesbian novel, Kerryn Higgs' *All That False Instruction*, struggled to make its way into print. The novel won an Angus & Robertson prize in 1972 that included publication, but a combination of publisher coyness and Higgs' own anxieties, not just about the sex but also its portrait of her mother, delayed release. Writing to friends with news of the prize, Higgs confessed that she had 'always reckoned on Aussie censorship keeping it out of the homeland'.²⁶ It was finally released in 1975 under the pseudonym 'Elizabeth Riley', with a subtitle – 'a novel of lesbian love' – recalling the marketing of sensationalist pulp.

The women's movement began to gain ground for its critique of women's presentation as 'sex-objects' and the one-sided sexual imaginary embodied in dominant pornography, countering the anti-censorship line of writers like Henry Miller that 'free' sexuality was available similarly to all. In *Sexual Politics*, her landmark book from 1970, US feminist Kate Millett proposed that power is always at issue in sex. She dissected the books of censored writers D. H. Lawrence, Norman Mailer, Miller and Jean Genet, examining their representations of women, sexuality and gender relations. 'The celebration of sexual passion for which [*Lady Chatterley's Lover*] is so renowned is largely a celebration of the penis,' wrote Millett. 'This is sexual politics in its most overpowering form.'²⁷

What Millet meant by 'sexual politics' was revolutionary in no merely rhetorical way and not just for the kind of literature that excited the censors. The Adelaide Women's Liberation Movement declared in 1971 that woman's 'greatest humiliation lies in the situation where her decorated body, being the subject of male phallic fantasies and the consequent source of much commercial profit, determines her *value* both in her own ideas and those of the male'.²⁸ Public opinion was hardening against hard-core porn, as conservative forces continued to act for 'morality' and developing feminist objections to the sexualisation of male violence galvanised more women. In 1981, feminist activist and academic Sue Wills described pornography 'as being derived from, and in some cases dependent on, violence against women', even as she voiced her objections to censorship as never 'an ally of women in general nor feminists in particular'.²⁹

In Australia, feminists influenced a spectrum of new initiatives recalibrating sex, gender and power, including a new *Family Law Act* (1974), a Royal Commission into Human Relationships and new Anti-Discrimination legislation in separate states. The wording of Section 20B of the NSW *Anti-Discrimination Act* of 1977, motivated by feminist critique, notably pre-empted a new emphasis on the power of words and representation to oppress and vilify that was developing in the US. American scholars Catharine MacKinnon and Andrea Dworkin were reconceptualising the offence of pornography not as obscenity but as discrimination, charging that words and images were 'capable of performing subordination and/or vilification'.³⁰ In 1983 and 1984 Minneapolis and Indianapolis each passed a law defining pornography as a violation of women's human rights, influenced by MacKinnon, though the law was eventually found to be in conflict with the US Constitution's protection of free speech.

By the mid 1980s, liberal anti-censorship arguments had been both challenged and developed by the insights of identity politics and the struggles for recognition of marginalised groups, long subject to publicly sanctioned forms of hatred and abuse. In that context, feminist attention to the ability of representation to encode and enact power itself recast definitions of obscenity and the offence of pornography in particular. A liberal or libertarian position that representation and action or ideas and events could be absolutely separated, while government regulated only actions, came to seem untenable.

After the literary

Responding to the new measures of 'art', the various state Acts empowering censorship were revised in the mid-1970s to remove the legal defence of artistic or scholarly merit, paralleling the move away from an emphasis on the literary or artistic as a sphere apart in anti-censorship activism. The WA legislation was amended in the wake of the *Portnoy's Complaint* trial. The NSW government repealed its *Obscene and Indecent Publications Act*, dating from 1901, and replaced it with the *Indecent Articles and Classified Publications Act* (1975), under which art was no defence and nor could *bona fide* medical or scientific credentials refute obscenity charges. That defence had saved the *Oz* editors from six months in prison. More liberal community standards ostensibly meant that mainstream obscenity and pornography were less likely to face prohibitions, so subsuming art within those categories was less problematic

than it had been. The new *Act* also removed ‘obscene’ and left in ‘indecent’ – as a broader concept, however, suggested lawyer Geoffrey Flick, ‘it follows that the 1975 *Act* may have a wider ambit of operation’.³¹ The changes were certainly adverse for activists: they were not what had been fought for.

The by-then clichéd defence of mainstream soft-porn consumption was that one only bought it to read the ‘serious’ articles: reading, it was implied, was not sexually stimulating. ‘Pornographic literature’ was now assumed to refer to picture magazines, including by Customs, with colour photographs their main attraction. Any sense of danger attached to literature’s ability to physically excite readers bled away, as what porn scholar Linda Williams terms ‘the frenzy of the visible’ took over the cultural marketplace.³²

In 1980 the Victorian ‘R’-rated restricted list included 31 publications, including *Bare Babes*, *Forbidden Paths*, *Brute*, *Girl Show No 5*, *Isle of Agony*, *Lovemaking*, *Love Positions*, *Mod World No 1*, *Sex Life of a Photographer*, *Sex Secrets of an Office Secretary*. Most of these were magazines, but some were sex-advice books or one-off themed pictorial titles.³³ Magazines directed almost exclusively to heterosexual men continued to dominate the market for sexual material, with Australian versions of American titles escaping Customs bans but occasionally subject to censorship in different states. Australian *Penthouse* had a ‘sellout launching’ in September 1979, but the Victorian Classifications Literature Board placed it on restricted sale and the Queensland Literature Review Board banned it completely. The second edition released a separate milder version for those two states, changing the section on readers’ experiences, which had included detailed stories of readers’ own sexual activities, to more anodyne advice for readers.³⁴

While popular and pulp publications dominated bans, blurring between genres meant that assessments weren’t always straightforward. A lack of distinction even between modes – what was a magazine and what was a journal, a pamphlet or a book – sometimes reflected deliberate challenges to the categories from the publications themselves. And despite the changes to federal and state legislative regimes, particular kinds of books continued to attract bans, like those sex-advice and illustrated books, and other, often unusual books as well.

In the altogether

Banned books could be exceptional in their offence, compared to magazines. In 1979, the four-volume *Poor Man’s James Bond*, an American survivalist

manual compiled by Kurt Saxon, was described by the *Daily Mirror* as a 'terrorist' book and prohibited by the Attorney General's department because of its 'undue emphasis on sex, horror, violence or crime'. The *Mirror* complained that it 'tells how to make explosives and weapons, describes "arson by electronics" and lists deadly poisons', and that despite this was circulating in Adelaide with no press reports of the ban.³⁵

Larry Pickering's book of cartoons depicting politicians and celebrities in the nude was restricted by the NSW Publications Classifications Board and the Victorian equivalent in 1979, despite NSW Premier Neville Wran declaring no personal objection to the cartoon of him 'in the altogether'. An appeal against the restriction was upheld by the NSW Services Minister Bill Crabtree.³⁶ In a new venture as a bookseller, Max Harris launched an offensive against the restrictive Queensland regime in 1980. To coincide with the opening of a Queensland outlet of his Mary Martin's bookshop chain, Harris planned to sell two explicitly illustrated books of erotica: *Shunga: The Art of Love in Japan* and *Erotica: Aspects of the Erotic in Australian Art* by Cedric Flower. 'Some of the Australian artists in the Flower book have never been shown in Brisbane,' Harris told the *Australian*. 'As a result of Queensland's antiquated censorship laws, Brisbane has been served intellectual junk food for too long.'³⁷

The visit of two US experts on child sexual abuse in 1976 and 1977 galvanised public concern about the circulation of child pornography, meanwhile. Dr Judianne Densen-Gerber and Dr Michael Baden claimed that Sydney had a larger range of such material available than any other city internationally and specifically linked increasing circulation to rising levels of abuse.³⁸ While the production of material depicting children naked or engaged in sexual acts with adults or other children was clearly criminal, the censorship legislation did not specifically prohibit the sale, purchase or viewing of it. The regime's aims – to allow adults to read and view what they chose, while protecting the rights of minors and protecting other adults from inadvertent offence – were in clear conflict if the classification system was allowing child pornography to circulate, even if only as 'R'-rated restricted material. This was not only because consumption caused production but because consumption, argued the experts, contributed to greater instances of abuse generally.

It is difficult to establish how much material identifiable as child pornography circulated in Australia in the early to mid-1970s without

systematic records. In the old Customs system, the broad restrictions on all kinds of pornography scooped up the obvious examples. Under the Fraser Liberal government, federal censors in the Attorney General's department acting through Customs' powers reported that 2500 publications and 37 films were banned in 1976.³⁹ Continuities between the old and the new systems suggest that bans on many forms of pornography continued, especially forms involving children or violence. Nevertheless, if more pornography overall was circulating, it makes sense that more child pornography was also.

ABC television and columnists like Helen Caterer in the *Sunday Mail* drew links between increased availability of pornography involving children and increasing rates of child abuse, and governments responded.⁴⁰ Censorship legislation in NSW, Victoria and South Australia changed: the NSW Parliament amended the *Indecent Articles and Classified Publications Act* to add 'child pornography publications' as a new category. It was then an offence to distribute, display or produce such material. The other states followed suit, while Queensland argued that its proscriptive system was the only way to completely prohibit it.⁴¹ Public debate was beginning to interrogate the social consensus on minimal prohibitions and censorship practice was slowly tightening.

A review of Customs procedures in 1982 revealed internal dissatisfaction with the unspoken 'blind-eye' policy first introduced by Chipp and furthered by the Whitlam government, allowing the importation of pornographic material intended for individuals' own use. Pressure for uniformity in publications censorship began to mount again. Adelaide publisher Robert Hogan staged a hoax to expose the apparent bias of the federal system against domestic publishers. Hogan secured a foreign-printed, low-quality copy of popular novelist Harold Robbins' *Goodbye Jeanette*, and then had its cover and title page removed and replaced. As the (fake) title *Lauren* by (fake) local author Ruth Adams, Hogan sent it to the Attorney General's representative in Adelaide. It was classified as 'R' or Restricted while the Robbins title was on unrestricted sale all over the country. Hogan claimed that censorship regulations were being unfairly directed at local publishers to help the federal government avoid paying the printing bounty to Australian printers – then 25 per cent of the cost of local publications.⁴² South Australia's Attorney General used the publicity given the hoax to press for censorship uniformity ahead of a meeting of commonwealth and state censorship ministers late in 1981.⁴³

At that meeting, in-principle agreement was reached to establish a uniform classification system for publications. It was a step beyond Chipp's NLBR in that the states undertook to pass better necessary legislation: again excepting Queensland and Tasmania. South Australia once more took the lead and passed a new *Publications Act* in August 1982, under which the SA Classification of Publications Board would classify material as unrestricted, Category 1, Category 2 or refuse to classify it altogether – thus banning it.⁴⁴

On 1 February 1984, federal censorship of publications finally became the formal responsibility of the Attorney General's Department, after the passage of the *Australian Capital Territory Classification of Publications Ordinance* 1983, which modelled legislation for all states and territories.⁴⁵ In July 1984, a new uniform system at state and federal level was implemented, its focus mainly on the classification of videotapes, but with a new system for publications as well. Publications were subject to the classification categories for restricted publications articulated in the SA Act, Category 1 and Category 2 corresponding to the 'R' and 'X' categories of film and video classification.⁴⁶ Category 1 restricted material to those over eighteen while the more restricted Category 2 matched the new video category of 'X', which had been added for 'stronger material which would be refused cinema showing. Only child pornography and similarly very extreme material would be refused classification altogether'.⁴⁷

The X18+ or Category 2 classification was 'intended to grant persons aged eighteen years and over access to depictions of explicit sexual activity between consenting adults',⁴⁸ but the classification was soon banned by all the Australian states. It remains the case that X-rated material (film, video, or printed) is legally available for sale or hire only in the Australian Capital Territory and the Northern Territory – it can circulate to other states but not be sold there. Queensland maintained its separate pre-publication system, and that state's Literature Board of Review ceased its operations only with the defeat of the long-entrenched National Party government in 1990. In the mid-1980s, the State Library of Queensland shredded a copy of a book of Robert Mapplethorpe's photographs, while the controversial photographer's work was exhibited and debated around the world.⁴⁹

In 1991, *American Psycho*, Bret Easton Ellis' satiric novel about a serial killer who sexually tortures his young women victims became the first 'mainstream novel' to be given a restricted Category 1 rating by the Office of Film and Literature Classification. Three separate groups had

complained about it and requested a decision on the novel. With four other censors Chief Censor John Dickie described Ellis's book as 'pretty violent' and 'distasteful' but a legitimate literary work.⁵⁰ Dickie told a reporter from the *San Francisco Chronicle* – the US press reporting Australia as an anomaly in the world – that it was the first such novel to be restricted since *Portnoy's Complaint*. The Category 1 ruling, still in place, requires the novel to be sold in a sealed plastic cover with a sticker advising that it is for sale only to adults over eighteen. In Queensland, however, Category 1 material cannot be sold at all; *American Psycho* remains banned there.

Spycatcher

Political censorship took on a new guise in the 1980s as well, in the *Spycatcher* trials of the later 1980s, which saw the most dramatic fights of the period and expanded national debates to global dimensions. In an extraordinary case of international, politically motivated book banning, the British government took the Australian arm of an international publisher through three trials from 1986 to 1988, ending at the High Court.

Subtitled 'The Candid Autobiography of a Senior Intelligence Officer', Peter Wright's *Spycatcher* recounts his experiences with Britain's domestic intelligence service MI5. It is a thrilling account of double agents and double-crosses during the 1950s and 1960s, focused on the infiltration of MI5 by the now infamous 'Ring of Five' spy group. Wright concludes on the basis of high-level leaks that the unknown fifth man was the director of MI5 himself, Roger Hollis. He also airs suspicions held by MI5 and the CIA against the British Prime Minister Harold Wilson that led to the bugging of Wilson's office and a plot to bring down the government.

Wright had retired to rural Tasmania in the early 1980s to work on a book for the popular market on Soviet infiltration in MI5.⁵¹ William Heinemann in Sydney agreed to publish, attempting to keep news of it from the British government, but a gossip column in the *Observer* reported their plans.⁵² Heinemann sent an advance copy to the British Attorney General and was advised that the book would be suppressed there, on the grounds that it would violate secrecy oaths taken by intelligence officers and damage national security.⁵³ The British government then began legal action in Australia on the same grounds and was awarded a temporary injunction before a trial. The case was heard in the NSW Supreme Court in November 1986.

Defence argued that a previous book by journalist Chapman Pincher had already revealed much of the information in *Spycatcher*, while the prosecution pointed to the difference Wright's role as a public official made. Justice Powell released his 286-page ruling in March 1987, refusing an injunction on the grounds that earlier books had not been banned and that when secret operations break the law, public interest meant this should be revealed. The NSW Court of Appeals voted 2–1 to free the book for publication in Australia, but Britain then took its case to the High Court. A unanimous decision rejected a ban on the book in June 1988, noting Wright's lifetime oath to remain silent but also that an Australian court had no jurisdiction to enforce a British law.⁵⁴ Fuelled by the lengthy trials and extensive, worldwide media interest, as well as bans in Britain, within four months of publication sales of *Spycatcher* had reached one million; 250,000 copies were sold in Australia.⁵⁵

Barrister for the defence Malcolm Turnbull declared that '[t]he publication of *Spycatcher* confirms that Australian democracy is founded on sceptical good sense'. In the very last years of the Cold War, the trials were a contest over control of intelligence information, deeply embarrassing to the Thatcher government and, in Australia, a test of the country's colonial loyalties to the home of its head of state. According to Justice Michael Kirby of the High Court, 'it is for the Parliament, not for the Courts, to say whether Australian security and foreign relations can be served by enforcing obligations of confidence owed to a foreign government'.⁵⁶

The entire fracas showed something of the independence of Australian publishing ventures even from their multinational headquarters, while favourably exposing the courts' then commitment to freedom of information about national security, although not Australia's own. The case also demonstrates the continuing role of books in delivering critiques of political and governmental power to a global reading market, while facing reactive attempts by governments to suppress exactly such critique.

Defamation

Does the suppression of publications accused of defamation constitute censorship? Australian cases from the 1970s through to the 1990s have been held up as such by protests against the impact of defamation laws, which were more actively used during those decades. The separate state laws were cast as too strict and too easily exploited in the interests of the powerful,

and in the 1980s legal circles labelled Sydney ‘the defamation capital of the world’.⁵⁷ Acts passed by all the states in the last months of 2005 introduced uniform defamation laws across the country for the first time and extended truth as a defence to all legislatures. Before 2005, notable defamation cases included charges brought against writers, sometimes for fictional depictions of recognisable persons. Defamation laws should ‘provide redress to those who suffer exclusion by being falsely accused of behaving in a socially unacceptable way’, explains defamation lawyer Patrick George.⁵⁸ But they have also been charged with unjustly protecting the powerful from free and open criticism. The challenge is to strike a balance between the protection of reputation or privacy and notional freedom of speech. In the mediascape of the last decades of the twentieth century, the balance between these rights was often upset and became a pivot for political questions of some import.

The most dramatically successful defamation charge against a novel was worn by Amanda Lohrey’s *The Reading Group* in 1989. A political novel set on the Tasmanian waterfront about union disputes with corrupt political parties, *The Reading Group* inherits its aims from the socialist realist novels of earlier decades. It deconstructs their tendentious realism, however, into a patchwork of viewpoints and pastiched pseudo-documents, over which no singular polemic prevails. A successful experiment, it stands as one of the most interesting formal developments in the Australian novel of the 1980s.

Soon after the first edition was released, however, Tasmanian Labor Senator Terry Aulich argued that a character resembled him too closely. The character had a similar political career, drove a similar car and had also published a book of poetry, but was presented as an unattractive sleaze.⁵⁹ Aulich argued that this was defamatory – like *Power Without Glory*, the charges against the novel related to its portrayal of adultery. Pan Books did not defend *The Reading Group*; the remaining thousand copies of the 5000-copy print run were pulped and Aulich offered \$7500 as a settlement. Journalist Robert Pullan declared at the time that ‘every novelist and every non-fiction writer in Australia is threatened by this development. Every writer is a victim of the law of libel. If the gagging law which silences much of our journalism and non-fiction books is now to shut up novelists, we must prepare for an age of barbarism’.⁶⁰

Non-fiction books and journalism have been more vulnerable to defamation charges than fiction, for obvious reasons. The second volume of Ross Fitzgerald’s history of Queensland, critical of the Bjelke-Petersen

government, was recalled by its publishers in 1984 and pulped at the cost of about \$20,000 after the state's Attorney General suggested Fitzgerald be charged with criminal libel – the same charge as Frank Hardy.⁶¹ The most famous pulped author in Australia is filmmaker and journalist Bob Ellis, for two of his books – *Goodbye Jerusalem* and *Goodbye Babylon*. The first of these was the subject of court action from federal ministers Peter Costello and Tony Abbott and their wives, about suggestions of sexual activity in their university years. They were awarded \$277,000 in damages while a subsequent appeal to the Federal Court was dismissed with costs. Ellis also caused a book about himself, Michael Warby's *Ellis Unplugged*, to be removed from bookshop shelves: the amended edition was given the pointed new title, *Ellis Unpulped*.⁶²

A more recent non-fiction book to be removed from sale under threat of defamation is *My Story*, the 2005 autobiography of Judith Moran, widow and mother to Melbourne crime figures, who was convicted of murdering her former brother-in-law in March 2011. After a complaint was lodged by *Age* journalist and true-crime publisher John Silvester about comments on himself and his late father in *My Story*, Random House ordered the withdrawal of 20,000 copies.⁶³

In the only case in which poetry has been the subject of defamation charges in Australia, the public interest to be demonstrated seemed slim. In the mid-1970s Dorothy Hewett, one of Australia's most celebrated poets and playwrights, was producing caustically confessional work that refused polite taboos about the 'personal'. Like much women's writing around the world then, Hewett's poems and plays put sex, relationships, bodily experience and the bearing of children into passionate literary expression, drawing self-consciously on her own experience. This brought her into conflict with her ex-husband Lloyd Davies. Himself a writer but also a lawyer, Davies had previously drawn Hewett and her partner Merv Lilley into a Western Australian court as witnesses defending *Portnoy's Complaint*.

In 1976, Davies launched a defamation action against Hewett for a poem titled 'Uninvited Guest'. Later described by Davies as 'monstrous and cruel' and even 'evil', Hewett's poem suggested that Davies' wife Jo Gilchrist was using tranquillisers and had had her ovaries removed, that their children were 'delinquent' or 'autistic', and asked if Davies' genes were to blame.⁶⁴

All the bright children of your body turned to death,
The white flesh bruised as grapes under miniature tombstones.

To impute this, Hewett drew on the tragic death of her own son with Davies, her first, who had died of leukaemia in infancy. 'I did not think that anyone, let alone someone whom I had once loved, could be so venomous,' declared Davies.⁶⁵

The principal action, *Davies v Lilley*, went to the High Court but was finally settled. Hewett paid \$6000 damages and agreed to remove the poem from circulation. It has remained so – apart from a reading by Labor member Anne Levy in the South Australian Parliament in 1977, which was recorded in Hansard and has since been used as a source for discussion of the poem's censorship.⁶⁶ Another suit from Davies against the reviewer Hal Colebatch for quoting the offending portion of the poem was also settled for \$6000. Hewett later expressed regret not at writing the poem but at publishing it.⁶⁷

Davies had concerns about Hewett's often autobiographical work for the theatre too. He next took action against publisher Philip Parsons of Currency Press, targetting *The Tatty Hollow Story* and *The Chapel Perilous*, the latter her best-known play, which had earlier shrugged off obscenity charges. Despite instructions from Hewett that neither play should be received as reflecting her life, the parties came to an agreement that the Currency Press publications could not be distributed in Western Australia.

Concern in the eastern states about these outcomes led to the establishment of a national literary defence committee to aid writers charged with libel and to lobby to change the laws – the 2005 uniform defamation laws are a much delayed outcome of such concern. Other commentators have contended that libel laws were used correctly against literature in the Hewett case. No public interest was served by a poem not about public figures, they argue, and truth could not be used as a defence (it being poetry, although Davies did not refrain from refuting it line by line).⁶⁸ But a prominent feminist writer being constrained by the actions of a barrister ex-husband, particularly in writing poetry about personal lives, relationships and family, was not a spectacle that encouraged women to express themselves.

Prosex

In the postmodern marketplace, paradoxically, literature draws strongly on its traditional role as a moral art, articulated in the first half of the twentieth century by the Cambridge critic F.R. Leavis and his adherents, in order to distinguish itself from other forms of culture. And by way of that claim to both art and moral education, perhaps, literature is able to present

provocative or *outré* meaning that other forms such as popular media or non-fiction may not. So, from its vanguard role as the high-profile vehicle for the new sexual expression of the 1960s and 1970s, literature in the 1990s and beyond has become something of a protected enclave in which obscenity, sedition, violence and blasphemy can be legitimate forms of meaning; there for our edification, rather than corruption.

While anti-porn feminism conjoined with a certain 'negativity' about sex in mainstream Australian culture, what remained of the optimism and libertarian drives of the 1960s and early 1970s was co-opted for more assertive sexual expression by some groups.⁶⁹ A sex radical lesbian underground developed in the late 1980s, especially in Sydney, and queer identities embraced a more fluid relationship between sexuality and feminism. Publications like the influential magazine *Wicked Women*, launched in 1988, were part of Australia's version of the feminist sex wars that preoccupied US feminists in the late 1980s and early 1990s, with the social role of pornography a key battlefield. Could there be such a thing as feminist porn? Sex radical lesbians were pursuing 'unconditional sexual freedom' in what they read and looked at, as well as did, including at the popular Be Wicked sex parties.⁷⁰

Objections from members of Sybylla, the Melbourne feminist publishing collective, delayed the release of Kathleen Mary Fallon's explicit and poetically experimental novel *Working Hot* by four years, until 1989, with charges that such eroticism exploited lesbian sexuality rather than celebrated it.⁷¹ *Working Hot* originated after discussion with feminist philosophers Elizabeth Grosz and Moira Gatens about whether female sexuality could in fact be represented within available systems of meaning. Fallon thought it could be: 'I can have a go at that.'⁷² By the mid-1990s, such pro-sex 'lifestyle' lesbianism had become the dominant face of lesbianism, with a higher public profile that strongly influenced mainstream representations. Publishing of all kinds, from academia to Madonna's *Sex* book of 1992, witnessed a burgeoning interest in sex and sexuality.⁷³

The anthology *Love Cries* from 1995 marks a point at which what can be called pro-sex radicalism had its fullest literary expression in Australia. 'We were looking for writing that was provocative, perverse and uncompromising,' explained editors Peter Blazey, Victoria Dawson and Tim Herbert. Published by Angus & Robertson, *Love Cries* was represented by one of Australia's most influential literary agents, while the often well-crafted stories range from soft to hard-core topics. The hard-core stories feature

blood play, adult sex with teenage boys, schoolboy fantasies and rough sex, including anal dildos and bloody fist-fucking. Perhaps the most confronting is the story by Linda Dement called 'Girl #4', written from the point of view of a young lesbian sex worker, Vegas, who enjoys her work as well as sex with her friends and lovers, and specialises in bondage and discipline. The story ends with a scene in which a client pays for pseudo-surgery without pain relief. On his own instructions he is kept in restraints, with a mouth brace, while his skin is sliced by a scalpel. His scrotum is cut open and his testes removed, put onto his tongue for his orgasm, then returned and stitched into place. His wife arrives afterwards to take the unnamed man to their pre-arranged doctor's appointment. Vegas tells the story incredulously to her housemates, with a smear of blood still on her cheek, and then goes out to buy drugs and dog food.⁷⁴

Love Cries might seem a watershed in the possibilities of sexual representation in Australia, when some of the most taboo themes of pornography featured in a respectable literary collection. But in 1995 its introduction warned of a shift in the air. 'In a looming new puritanical age, *Love Cries* celebrates the subversive and unsettling power of erotic writing . . . Fasten your ankle straps, you're in for a wild ride!'⁷⁵

Classifying offense

That new age was manifesting in a newly formalised regime. In April 1988, the Hawke Labor government established the Office of Film and Literature Classification as an independent non-statutory body within the portfolio of the Attorney General.⁷⁶ Film and publications censorship came together for the first time and the administration moved from Canberra to Sydney, while the Office was made self-supporting, charging fees for classification decisions. In 1991, a report from the Law Reform Commission recommended uniform censorship legislation once more, particularly that the guidelines be formalised into a National Censorship Code.⁷⁷

So in 1995, under Prime Minister Keating and Attorney General Michael Lavarch, a new *Classification (Publications, Films and Computer Games) Act* specified that a classification board arbitrate on publications, films, videos and computer games, as well as other material. This Board has remained the central body arbitrating censorship decisions of all kinds, while challenges to its decisions are referred to the Classifications Review Board, also established by the 1995 *Act*. From 1973 until then, imported publications

were not subject to a separate federal board of assessment: point-of-sale controls and the powers of the Attorney General operated without reference to such a source of either expertise or community standards.

The new structure resembles the old Customs regime in many respects, including in the role given to a review board. It is a uniform system, however, that operates on behalf of all states and territories, after Western Australia joined the regime in 1999. Nor is the Board made up of expert lawyers or academics but a group of individuals selected as representative of the Australian community. Required to 'reflect contemporary community standards' in their decisions,⁷⁸ some members have had experience in psychology and education, and increasingly in media, their differing backgrounds reflecting some changes in the political environment. Some members are from rural communities and others have had formal familiarity with the genres of computer gaming, although emphasis has been placed, especially under the Howard government, on ensuring that members had no recognised expertise either about culture or censorship.

What makes the classification regime unique in the history of Australian censorship is the Classification Code. After almost one hundred years of federal censorship undertaken according to variable, non-codified and often opaque interpretation of laws, the National Classification Code attempts to systematically demarcate the content of offence.

The principles of the code are that:

- a. adults should be able to read, hear and see what they want
- b. minors should be protected from material likely to harm or disturb them
- c. everyone should be protected from exposure to unsolicited material that they find offensive, and
- d. the need to take account of community concerns about:
 - i. depictions that condone or incite violence, particularly sexual violence, and
 - ii. the portrayal of persons in a demeaning manner.⁷⁹

This last clause is seen as the direct effect of a 1992 *People* magazine cover that featured a naked woman on all fours wearing a jewel-studded collar with a string of pearls forming a lead.⁸⁰ It was not so much the popularisation of sadism and masochism imagery in soft-core magazines but the sexualised

casting of women in the role of animals or pieces of meat that met strong protests from some feminist groups. The new regime's emphasis on community standards had to take these as its measure.

Helen Vnuk, the former editor of *Australian Women's Forum* – a magazine that featured male pin-ups – argues that these changes to the guidelines, with renewed attention to soft-core magazines, meant that sex magazines became much tamer after the mid-1990s. While admitting that the *People* cover was 'ill-advised', in 2003 she argued that they 'just aren't what they used to be . . . Sex magazines have, in effect, been castrated'.⁸¹

The codification of offence has produced a highly detailed and complex taxonomy of content, which is underpinned by explicit principles attending to freedom of speech, community standards and artistic or scholarly merit. Classifications are only given to 'submittable publications' – being those that contain depictions of 'sexual matters, drugs, nudity or violence that are *likely* to cause offence to a reasonable adult' (my emphasis).⁸² As was the case throughout Customs' censorship, the majority are magazines. Publications submitted are classified as unrestricted, restricted Category 1 or 2, or refused classification altogether. Within the National Classification Code revised in 1999, publications, films and computer games meeting each of these classifications were described at length, in two or three clauses. Banned publications:

- a. describe, depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or
- b. describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16 (whether the person is engaged in sexual activity or not); or
- c. promote, incite or instruct in matters of crime or violence.

Besides these directions, the Guidelines for the Classification of Publications 'describe in more detail the scope and limits of material suitable for each classification category'. These guidelines must also be applied by the Board when making its decisions.

With a six-page introduction outlining their aims and use, nine pages describing offensive content, including violence, sex, nudity, 'coarse language', 'adult themes' and drug use, and a four-page glossary of terms, the guidelines categorise offensive meaning in grades and ranks. 'Obscenity' is broken down into denominated topics with more or less offence, the worst including instruction in paedophilia, realistic bestiality, child sexual abuse, sexualised violence and violence 'with a very high degree of impact' (which is determined according to content, context and 'treatment' – are they stylised or realistic? cartoons or photographs?). Introduced months after the *Act*, without the recommended three months of public consultation, the guidelines attempt to do in the abstract what Customs' censors could only do case by case, despite their declarations: that is, name obscenity and fix its meaning historically and for all time.

The effects of this codification have been strongly debated in the last decade. The 'new puritanical age' predicted by *Love Cries* certainly arrived in some forms and quarters, when conservative politics returned to power federally in 1996 and ultra-conservative politician Brian Harradine from Tasmania held the balance of power in the Senate, where he traded political gains for moral righteousness. Whether the new taxonomy aided this conservatism is difficult to establish. Certainly there was a new transparency, with a consistency in decision-making between or within categories that have still nevertheless been criticised as too rigid and literal, as well as too open to interpretation.⁸³

The OFLC centralised substantial powers over many aspects of cultural life in Australia, including even telephone services in its advice on censorship complaints, as well as artworks, photographs and forms of electronic media. Its activity 'cuts deep into areas of personal rights and freedoms', as a briefing paper for the NSW Parliament noted in 1999, making it 'perhaps the nearest thing Australia has had to a defacto ministry of cultural standards'.⁸⁴ Certainly it replicates Customs' role in this regard, but with notably greater degrees of transparency. In 2005, the guidelines were updated as part of regular 'community consultation'. These upped the age limit at which sexualised depictions of nudity and sexual activity are refused classification, so that persons must now be or appear to be at least eighteen, rather than sixteen, the legal age of consent.

Contemporary censorship attention turns to the powerful new electronic media, especially the internet, but also other forms of screen-based

Out from underground

media, stepping beyond the book with anxieties about the circulation of damaging content and protection from offence. For a while, it appeared that no book of substance would ever again be banned in Australia. After decades when that was true, some significant bans have been implemented in recent years, with ramifications beyond their immediate implications, and these bans remain.

Decline and rise

'Jesus is a cunt.'

T-shirt worn by a young man fined for exhibiting an obscene
publication in Brisbane, 2003

Hardly any audience within reach of that abiding and pervasive arm of Empire, international cricket coverage, will have escaped exposure to offensive Australian obscenity. Run out for 38 in a winning match against the Sri Lankans in Sydney in 2002, Australian batsman Darren Lehmann vented his resentment on his way back to the dressing rooms within earshot of his opponents. According to all forms of the Australian media, he called the Sri Lankans 'f— black c—'. Unlike the Australian media, the British *Guardian* newspaper quoted him directly. Notwithstanding the dangers of what colonialism scholar Ann Laura Stoler has termed 'double exposure' in discussing offensive racism, it's important to clarify that Lehmann called his opponents 'cunts, cunts, fucking black cunts'.

Lehmann's outburst resulted in a five-match suspension, while some commentators suggested he be banned from international competition altogether, although no-one suggested he face racial vilification charges. The incident attracted censure internationally, as one in a series of examples of white Australian racism in sport. It was seen as a feature of a nation in which the commitment of the dominant white population to reconciliation, justice for Indigenous Australians and multiculturalism was transparently rhetorical – there in the opening ceremonies, after the 2000 Olympics, but not the contests themselves.

Lehmann's outburst also attracted attention because of its obscenity. Among other protests, the Tasmanian Anti-Discrimination Commissioner,

long-term feminist lawyer and activist Jocelynn Scutt, wrote to the *Australian* in the wake of the controversy, reminding its readers of the insult to women contained in the use of the word 'cunt' as an obscenity. The fact that the most fearful and derogatory word in the English language should refer to women's genitals is not accidental. Research on early modern obscenity dates the beginning of an obsession with female genitals to French material of the 1600s and Joan DeJean suggests that it has been 'at times, virtually the exclusive focus of modern, sexually transgressive literature'.¹ Scutt's protest, however, attracted some letters from men readers asking her to take up objections on their behalf to use of the words 'prick' and 'dickhead'.

In April 2003, a Brisbane magistrate fined twenty-year-old Matthew Bowdler \$100 for exhibiting an obscene publication. His offence was wearing a T-shirt with the words 'Jesus is a cunt' to promote the English heavy-metal band *Cradle of Filth*. Even the president of the Australian Council of Civil Liberties, Terry O'Gorman, supported that decision, declaring the T-shirt blasphemous and offensive to women.² Labor MP Mark Latham felt free to call Treasurer Peter Costello 'a really big C' in the Australian Parliament, around the same time, but his remark caused the Speaker to censor Hansard for the first time in seventeen years. In a move repeating Germaine Greer's 1970 call for 'cunt power', Eros Foundation coordinator Robbie Swan declared that women had reclaimed the word, 'as a great word, as a word of strength and propriety in describing their parts'.³

The crunch is in the crutch, Geoffrey Dutton declared in 1970, about Australian censorship.⁴ These more recent examples of offensive Australian obscenity show something of this emphasis still to be true, but also show significant shifts. In 1970, Dutton's comment referred to a dominant print culture that in many ways has since been overturned or replaced. An obscene publication can now include exhibition of a slogan on a T-shirt, as well as internet publication or interactivity in online games. Controversial bans on books, newspapers and pamphlets have dramatically reduced since 1970, but picture magazines, films, television, video, computer games and internet material have received growing attention, as volumes of production and the influence of these media expand. The examples with which this chapter begins, however, clearly count in the category of speech, rather than writing or even visual culture. Lehmann's insult was delimited as an offence under newer regimes protecting individuals and the public from historically powerful kinds of hate speech and vilification, demonstrably not only about crutches.

Overheard on his way to the dressing room, Lehmann's comment rebounded enormously in an era characterised by what US cultural critic Lauren Berlant terms 'the intimate public sphere'.⁵ That public sphere has shrunk in unanticipated ways, as electronic media deliver new forms of contact and much more demotic power over both information and representation. Way beyond the book, this superfast and super-diverse mediatised landscape enables a kind of informatic intimacy that arguably fosters rather than discourages the discussion of taboo topics and the sharing of otherwise private desires and meanings. The expression and consumption of sexuality, even pornography, can sometimes appear to be the purpose of the new electronic media. But the question of the degree to which offensive meaning changes as the medium changes, when the context of reception is profoundly transformed, is not easily answered.

In 1969, Queensland police walked onto the stage at Brisbane's Twelfth Night Theatre and charged actor Norman Staines with the use of obscene language as he uttered the last line of Alex Buzo's play *Norm and Ahmed*. The play is a charged encounter between nasty/normal white Australian Norm and Pakistani Ahmed, and ends in a twist as Norm knocks Ahmed down and shouts, 'Fuckin' boong!' Lehmann's 2002 comment is a kind of literalisation of this earlier performance; the cricketer repeated Norm, rather than the actor Staines, and worsened the offense in the repetition. The relation of one offence to the other, across more than 30 years, shows a real shift or reorientation in the aims of regulation and the identification of offence. It was only the first word that offended in 1969. In 2002, obscenity offended through its sexism, while racism was the proper crime.

The end of obscenity

Is Australia now beyond censorship? Commentators like Joan DeJean declare that cultures around the world have turned a corner in the removal of taboos on the representation of sex and obscenity, and can't go back. DeJean wonders if we have entered 'an age destined to be thought of as lacking the [obscene] prohibition against dirty words. The next generation of English speakers may . . . no longer believe in the obscene as we have known it'.⁶

In 2001, pornography revenues – including magazines, internet sites, pay television and sex toys, beyond the film outputs – in the US alone totalled between 10 and 14 billion dollars.⁷ In 2006, according to an American anti-pornography website, worldwide revenues for pornography

came to \$US96.06 billion. Australia ranked fifth as a porn producer, with an annual revenue of \$2 billion, ahead of the UK and behind China, South Korea, Japan and the US, although per capita it ranked third, the highest of all the Western countries. *Internet Filter Review* defines pornography to include not just representations but actual 'exotic dances' and stripping, as well as 'novelties' or sex aids.⁸ More mainstream surveys tally about 33 per cent of Australians accessing sexually explicit material, usually in the form of videos, DVDs, magazines and via the internet.⁹

Since the late 1990s, such material has had something of an edge of cool. Called 'porno-chic' by some or 'pornocopia', after the title of Laurence O'Toole's best-selling book from 1999, this is a different phenomenon from the 'porno-politics' of the early 1970s: less utopian and more commodified, with much less to prove. A popular and at times polemical argument for the liberating effects of porn, *Pornocopia* extrapolated from the arguments of pro-porn or pro-sex feminists. Their influence reflects the pivotal role of women as both the subjects and objects of sexual representation, now even in arguments that seek to justify conventional male heterosexual pornography to its critics.

In high-brow porno-chic, literary novels like those of British writer Sarah Walker have drawn from research on the early modern origins of pornography to reimagine sexuality and its European history. French novelist Michel Houellebecq's books not only praise prostitution and revel in explicit sex: his 2001 novel *Platform* suggests that sexual tourism from the first world will solve the economic ills of the third world. In Australia, novels in the wake of Christos Tsiolkas's *Loaded*, Nikki Gemmell's *The Bride Stripped Bare*, first published anonymously, and Emily Maguire's *Taming the Beast* continue to traverse the boundaries of sexual expression and meet with little apparent opposition.

Film, theatre and television have also explored new kinds of explicit content, from actual sex in arthouse cinema to on-screen sexual harassment in reality television. In the 2005 'turkey-slapping' incident on Channel 10's *Big Brother*, among others, two young men held a young woman down and hit her face with one man's scrotum.¹⁰ At the same time as this apparent extra-sexualisation of both popular and high-brow culture, however, a climate of political and moral conservatism developed in Australia. In 1999, censorship historian Peter Coleman declared that his own book *Obscenity, Blasphemy and Sedition* should have been banned. He was only half-joking,

reasoning that it had contributed to the abolition of censorship – ‘and look what a squalid mess that has given us’ – and that ‘it ignored the emerging new threat to freedom – Political Correctness’.¹¹ This climate paralleled similar developments in the US and elsewhere. Newly reactive censorship regimes asserted themselves in decisions that were sometimes hostile to the free speech of those marginalised groups – like some forms of feminism – that had previously lobbied for protective restrictions.

Art films with provocatively filmed sexual activity have been a high-profile target of this new censorship, though made with serious and even feminist aims. Catherine Breillat's *Romance* and Virginie Despente's *Baise-moi* were refused classification in Australia in 2000 and 2002, unlike almost anywhere else in the world, one released on appeal and the other banned after a limited ‘R’-rated release. These two French films proved to be part of a rash of provocative films that met with opposition from the OFLC and the conservative federal government in the early 2000s.

In 2003, American Larry Clarke's *Ken Park* became the first film prohibited from screening at the Sydney Film Festival since *I Love, You Love* in 1969.¹² Banned for its representation of sex between teenagers and a hint of possible sexual abuse, *Ken Park* sparked renewed anti-censorship protests and illegal public screenings. Originally established in 1996 in response to the new *Classification Act*, the community anti-censorship organisation Watch on Censorship voiced broader opposition, with television film critic Margaret Pomeranz a galvanising figure. Such protests have played a key role in censorship decisions, ensuring the release of several films threatened with or subject to bans, while representations from religious and conservative family organisations such as The Festival of Light and the Australian Family Association, often through politicians connected to them, have instigated restrictions.¹³

The incidents on *Big Brother* attracted comment within a broader trend towards greater censorship of television as well. After the *Broadcast Services Amendment Act* of 1997, which was passed by the Howard government in exchange for Senator Harradine's support for digital television, much of mainstream television toned down its sexual content, particularly in peak rating times.¹⁴ For the standard MA15+ rating, sexual activity must only be ‘implied’ and its impact factor must not be ‘strong’: Australian audiences can no longer see naked bums, naked breasts or identifiable sex, all previously acceptable.¹⁵ High-rating, serious programs like the 1980 adaptation of

Eleanor Dark's 1940s convict trilogy *The Timeless Land* featured topless women, in that case to suggest something of the sexual licence of early Australia. Such treatment even of self-consciously worthy themes is no longer possible.

Electronic censorship

Like television initially, but with even more hyperbole, the internet was held up as a new utopia for free expression. It has introduced new interacting complexes in the circulation of information, devolving the production of content to users, consumers and readers, while it continues to confound the historically and philosophically nationalist regimes of censorship in Australia. After Senate Committee inquiries, a federal internet censorship regime was established in January 2000 to implement a complaints system that in its first year prohibited material in 93 instances. The Australian Communications and Media Authority is responsible for regulating online services, able to issue 'take-down' notices to content hosts under federal laws. The individual states are responsible for policing 'content providers' or individual internet users.¹⁶ These regimes mean there are already reasonably strict limits about acceptable content that can be hosted on Australian internet sites – it is illegal to host any 'objectionable' material or material 'unsuitable' for minors – even though these limits have been difficult to enforce. Other means are also available: when Oz's Richard Neville set up JohnHoward.MP.org in 2006 and posted a hoax speech from the Prime Minister apologising for Australia's involvement in the Iraq war, Melbourne IT cancelled his domain registration on advice from the federal government.¹⁷

Plans to further regulate the Net – via a nationally imposed 'clean feed' – have been mooted sporadically by both conservative and Labor federal governments, citing 'rising' concerns about the access of children to 'R' and 'X'-rated erotic material.¹⁸ The protection of minors not only from abuse but from offence has moved quite definitively to the forefront of concerns, for regulators and the office of the Attorney General, as well as in public expressions of community standards. Three major ISP regulators have agreed to 'filter' URLs identified by the ACMA as depicting child abuse – this is the beginning of a 'blacklist' of sites being compiled ahead of Labor Communications Minister Stephen Conroy's much contested plan for mandatory internet censorship.¹⁹

A review of the classification guidelines begun by Attorney Generals of the states and federal government first delayed the plan, and then expanded into a brief for the Australian Law Reform Commission to conduct the first full-scale review of classification standards since its 1991 recommendation of a national classification code. Launching the review in March 2011, Attorney General Robert McClelland cited the rapidity of technological change, the need to enhance public understanding of the regulation of content, changes to the *Broadcasting Services Act* and a simultaneous communications convergence review, the 'increased exposure of children to a wider variety of media', including computer games, as well as 'the desirability of a strong content and distribution industry in Australia'. That review will report its findings to Parliament in January 2012.

One of the most prominent issues on the table has been the lack of an R18+ classification for electronic games. Like the comics of the 1950s, video and computer games move between adult and child audience categories and so trouble classifiers with their hyperrealist stylisations of violence and sexuality. Until 2011, these were given MA ratings, restricted as X-rated, or refused classification altogether. Effectively this restricted or banned all 'adult-themed' games. Massive Multi-Player Online games, like the internationally successful *World of Warcraft*, were not rated at all, so were unclassified, rather than refused classification, and technically illegal.²⁰

In the long debate preceding the review, an 'R' rating was opposed by family groups, who argued that the interactive nature of electronic gaming means that content cannot be compared to film or television and that they are more likely to produce anti-social behaviour in adolescents.²¹ A report released by the Attorney General's department in late 2010 found computer games had no greater impact than other violent media. A perpetually changing medium with genres that grow more complex and audiences that grow older and older, electronic games form a new frontier for censorship as new generations of users take their interest into adulthood. In late July 2011 the Standing Committee of Attorneys-General representing states and territories came to an in-principle agreement to introduce an R18+ category for electronic games, in a pre-emptive outcome to the ALRC review. The federal Minister described the aim 'to provide better advice to parents' and to 'afford adults the opportunity to view material designed for adults', in what was both 'practical' and 'very popular' policy.²²

'Youth crime'

Serious books or publications have been only partially immune to this resurgent censorship, and once again such immunity depends on what is meant by 'serious' and by a 'book'. The 1995 case of the La Trobe University student newspaper *Rabelais* is often seen as the beginning of a rise in politically motivated censorship. The four student editors of *Rabelais* were prosecuted after publishing an article titled 'The Art of Shoplifting'.²³ It was banned by Chief Censor John Dickie for 'instructing in methods of shoplifting and associated fraud', and Michael Brown, Melita Berndt, Ben Ross and Valentina Srpcanska faced jail terms of up to six years or fines of up to \$72,000. In a highly charged political environment, with a federal election looming that would oust the Labor government and debate raging about compulsory student unionism, the editors defended the article on the grounds of free speech. They argued that it had worthwhile points to make about wealth distribution in Australian society, while questioning the sanctity of private property and highlighting the paltry levels of student financial aid.²⁴

Commentators from the Victorian Retail Traders Association to the Sydney talkback-radio jock John Laws expressed outrage. Laws extracted a commitment from then federal Minister for Education Simon Crean to investigate cutting the newspaper's funding and determine if the editors should face criminal charges.²⁵ The editors first appealed to the Classification Review Board, where Stuart Littlemore QC argued their case on human rights grounds. He relied on the relevance of *Theophanous v The Herald & Weekly Times Limited*, a High Court ruling from 1994 that held that defamation law's 'chilling effect' on political discussion could be inconsistent with what were found to be the implications of the Australian constitution in regard to liberty of expression.²⁶ This has since been used elsewhere to argue that there is an implied right to freedom of expression in the Constitution. In a split decision in July 1996, however, the Review Board upheld the *Rabelais* ban.

The editors appealed that decision to the Federal Court. In June 1997, Justice Merkel ruled against them, finding that no constitutional protection is given for 'speech which might be likely to cause or induce the commission of a crime', in Australia or elsewhere.²⁷ The appeal then went to the full Federal Court. The editors' lengthy submission ended with a quotation from John Milton's *Areopagitica* of 1643, the weighty authority of Britain's liberal

traditions once more hefted behind the defence of Australian speech: 'Let [truth] and falsehood grapple; who ever knew truth put to the worse, in a free and open encounter'.²⁸ They did not quote from the works of sixteenth-century French scholar and priest Rabelais who has been a byword for the free expression of graphic humour since his writing was condemned by the Sorbonne. *The Heroic Deeds of Gargantua and Pantagruel*, banned in Australia in the late 1920s, was probably too complex and difficult to extract.²⁹

The full Federal Court ruled that the Classification Board had acted correctly, finding the article neither an ironic parody nor an example of political discussion.³⁰ The High Court was then the only recourse, in a high-stakes case that became progressively more political. Members of the Greens and the Democrats in federal Parliament called on the government to revise the *Classification Act*, and newspapers covered the story as an issue of media freedom.³¹ Late in 1998 the High Court refused the editors special leave to appeal, effectively endorsing the prior ruling that the article was not political discussion.³² The charges were quietly dropped in 1999 by the Director of Public Prosecutions after representations from the editors' legal team.

The free-speech website *Libertus.net* notes that, since 1985, shoplifters in Victoria have generally been let off with a stern warning.³³ The penalties faced by the *Rabelais* editors far outweighed the seriousness of their actions while, in a further difference from the breakthrough court decisions on student publications of the preceding decades, the limits of the audience and artistic or scholarly merit, including satire, were no defence. The *Rabelais* case opened some broad questions relating to freedom of speech in Australia, notably the application of provisions relating to instruction in crime. While long available to Australian censors through the *Customs Act* but generally applied only to pulp and pornography, such powers have since been brought to bear under the *Classification Act*, banning books on euthanasia or those advocating terrorism, as well as computer games and other media. In the latter cases, they have particularly been used against those targetting or produced by young people.

Replaying 1950s anxieties about comics, which were also provoked by fears of violence and crime, in late 2000 Western Australian Customs confiscated the graphic novel *From Hell* by leading graphics writer Alan Moore and Australian artist Eddie Campbell. The story a reworking of the mystery of Jack the Ripper, *From Hell* was originally published as a ten-volume series between 1991 and 1996, running to 572 pages. The series

won a Fan Award from the *Comics Buyer's Guide* and was ranked number 41 of *The Comics Journal's* top 100 comics of the twentieth century. In 2001 the collected edition was made into a film starring Johnny Depp; Alan Moore's highly influential *Watchmen* and *League of Extraordinary Gentlemen* have also been successful films. On advice from WA Customs, the OFLC determined that volume seven of *From Hell* was excessively violent and refused to classify the collected edition on that basis, rendering the whole book a prohibited import.

Campbell protested that *From Hell* was 'highly regarded in America, England and six foreign languages'. Perth Customs officer Con Greenwood replied with a replay of Customs' isolationist approach to censorship, 'I don't care what goes on in the rest of the world; this is Australia.' Greenwood also confirmed that comic books were regarded as a children's medium by Customs and as such were subject to more careful scrutiny than literature.³⁴ Campbell and the importer, Andrew Frith of Quality Comics in Perth, asked that the collected *From Hell* be submitted for review, so that volume seven could be considered in context. With the other nine volumes before it, the Review Board then took only seventeen days to reverse the decision and release the whole book for importation.³⁵

In 2005, the Polyester bookshop in Melbourne was raided for the second time by the OFLC. Videos and books related to drug use were confiscated. Owner Paul Elliot suggested that 'I think it's because they say the books encourage the committing of a crime. I still sell *The Anarchist Cookbook*'.³⁶ Tasmanian 'grind core' band Intense Hammer Rage was fined \$500 under the *Customs Act* in 2002 because of the offensive cover artwork on their album *Avagoyamugs*. Manufactured by a US record label, the CD was identified as a prohibited import and 200 copies seized by Customs because of printed lyrics 'about child pornography and other illegal acts'.³⁷ Notably it was Customs again that identified the offence. Singer Alan Byard told the ABC: 'The content of the lyrics were about real-life incidents, read about in a book bought in a local Burnie bookshop'. Books about murderers, paedophiles, crimes and criminals were freely available, he noted, but in producing songs about these subjects, Intense Hammer Rage attracted prosecutions and steep fines.³⁸ The difference perhaps reflects a slide between 'depiction' and 'promotion' in the guidelines of the OFLC, as well as the cultural authority printed publications still assert, thanks to earlier anti-censorship struggles and the cultural hierarchies at work.

The Classification Review Board banned Marc Ecko's computer game *Getting Up: Contents Under Pressure* in 2006 on the grounds that it incited graffiti-writing, 'vandalism' and 'youth crime', after Queensland Labor Premier Peter Beattie applied for the ban to Liberal federal Attorney General Philip Ruddock. The game's message is anti-authoritarian, argued alternative media commentator Mike Head in the online Melbourne *Indymedia* — its scenario is 'a youth rebellion against a dictatorial local government that denied free expression'.³⁹

While examples like these are arguably exceptional in the contemporary classification schemes and do not represent anything like the volume of earlier decades, the long-term patterns still instance the use of powers in restrictive directions, as well as an emphasis on material meant for young people that borders on unfair. What exactly is meant by 'youth crime', for example, in the justification for banning *Getting Up*? Even as older popular media such as comics, magazines and videos continue to attract the censor's attention, new media such as electronic games and the internet can challenge simplistic classifications. As a defence against censorship, social worth is ill defined in relation to popular and interactive media. If the right of adults to view and read what they choose is a fundamental principle of the regimes, the rights of young people not only to protection but to freedom of speech remain at issue.

The new sedition

'Our experience of censorship is that it creeps as the censorship bureaucracy grows and finds work for itself by seizing on moral panic or public anxiety', declares Frank Moorhouse in his 2006 survey 'The Writer in a Time of Terror'.⁴⁰ The terrorist attacks on US citizens in September 2001 saw a great spike in public and political anxiety around the globe, and Australia was no exception. After 9/11 censorship creep also had a more strongly political aspect. From 2002, state and federal governments began passing powerful laws aimed at proscribing terrorist activity. More than this, in 2005 the political offence of sedition was enlivened, as Australia's federal government identified in international terrorism a new threat to its own control and legitimacy.

Sedition had been rarely invoked in Australia since Lawrence Sharkey's prosecution in 1949. It gained a new currency in the contemporary public sphere, however, and speakers, artists, journalists, film makers, cartoonists,

writers and booksellers began to tread warily in response to a new formulation of powers against the offence. In the last months of 2005, the federal Liberal government moved to recast Australia's sedition laws in a new, broad-reaching Anti-Terrorism Bill, rewording the definitions and the offence. The Bill revised Hughes' *Crimes Act* of 1920,⁴¹ updating definitions that had been inactive for so long that they were described as 'archaic' and 'defunct'.⁴² The government declared however that 'sedition is just as relevant as it ever was'. Particularly, sedition could 'address problems with those who communicate inciting messages directed against other groups within our community, including Australia's forces overseas and in support of Australia's enemies'.⁴³

The draft Bill was posted on the website of the Chief Minister of the Australian Capital Territory on 14 October 2005, in contravention of its confidentiality but recognition of its grave public import and the improper haste with which it was being rushed through federal Parliament. The government was under pressure to criminalise generalised incitement to terrorism, as had Europe and the UN,⁴⁴ but broad public unease and vocal criticism saw the draft Bill modified before its introduction into Parliament in November. With further pressure from state governments and even government backbenchers, a contemporaneous Senate Inquiry recommended that the sedition provisions be removed from the anti-terror legislation and all current sedition laws be reviewed. The government did not remove the provisions but did agree to a review, before the Bill even passed into law.

Enacted in January 2006, the *Act* repealed the existing sedition offences in the *Crimes Act* and replaced them with five new offences. Notionally these simplified and modernised the law and the definition of sedition, which had for most of the century made it an offence to 'engage in a seditious enterprise' or 'to write, print, utter or publish any seditious words' with the intention of causing violence or creating public disorder. The new offences included one person *urging* another to overthrow by force or violence the Constitution or any Australian government, or to interfere with lawful elections for Parliament, or to assist those proclaimed as Australia's enemies or engaged in armed hostilities against it. It was deemed an offence to urge a group or groups, 'whether distinguished by race, religion, nationality or political opinion', to use force or violence against another such group, when that would 'threaten the peace, order and good government of the Commonwealth'.

Legal scholars have noted that most of these offences were already prosecutable under sanctions against incitement to crime and were unnecessarily defined as seditious, while new 'good faith' defences, introduced late in the Bill's drafting, introduced specific instances where criticism of laws, conduct in industrial disputes and in discussions of conflicted matters between groups would be protected. What was most at issue in the introduction of the offences was their symbolic import, effecting the rejuvenation of sedition as a crime. The charge of sedition had been little used because it was seen to be archaic, 'widely regarded as inappropriate in a modern liberal democracy which values freedom of expression,' as Ben Saul argues. The danger of modernising sedition is in emboldening prosecutors to reanimate it, 'since the new offences are considered better adapted to modern conditions and thus more legitimate.'⁴⁵ Certainly the broad effect has been to emphasise the powers of the Australian government to limit and police criticism in all forms of expression; power beyond just curtailment of direct and urgent incitement to terrorism.

Updating sedition offences was a provocative act from the Howard government, even given the real fear of terrorist acts in Australia. It rang warning bells for those aware of past conflicts between culture and power. The history of sedition bannings in Australia – in which long lists of titles were secretly banned by a minister with no public scrutiny or expert advice, with no appeal process and no recourse for publishers, authors or importers, and defended in Parliament as necessary protection against Australia's enemies – shows their use to boost domestic political interests and to isolate Australia from international currents. The censoring of genuine political opposition to established power was the worst possible outcome of the new laws. In the context of increased powers to proscribe organisations as terrorist, to detain and interrogate suspects, and to further suppress information about the activities of security agencies, many were provoked to speak out against them.

The review by the Australian Law Reform Commission in 2006 recommended the removal of the term 'sedition' from federal criminal law altogether, the repeal of other provisions, including those in the *Crimes Act* relating to unlawful associations, and the modification of others 'to make it clear that mere rhetoric or expressions of dissent are not caught'.⁴⁶ In the anti-terror laws, 'mere rhetoric' could include many forms of expression, including satirical art, theatre or comedy, as Ben Saul notes, or fictional forms

like novels or film, or poetry.⁴⁷ The ALRC advised adding a requirement to consider 'context', since no defence of artistic or social merit was included, even to cover instances of news reporting or of agitation in industrial disputes.⁴⁸ There was no necessary protection for films like James McTeigue's *V for Vendetta* from 2005, which adapts an anti-Thatcherite futurist comic by *From Hell*'s Alan Moore to portray a society in which rebellion and violent insurrection are the only means to overturn murderous tyranny. Although given an MA rating by the OFLC, such advocacy of violence could have made a similar Australian film vulnerable under the new laws.

The effective blurring of sedition with terrorism was criticised by the ALRC and others.⁴⁹ In the 'age of the world-target' and directed murderous attacks against western nations, particularly those engaged in the US-led wars in Iraq and Afghanistan, great and justified fear of violence against civilian populations gave rise to measures that appear to have exceeded the dangers.⁵⁰ The political dimension of terror threats external to national government was conflated with real political revolution, as well as the incitement of it. As cultural theorist John Frow argued in his essay damning 'UnAustralia' in the wake of the anti-terror laws:

the war on terror – a 'war' without an identifiable antagonist and with no possibility of ever coming to a defined end – provides the pretext for [a] process by which the formal conditions of existence of democracy are undermined in the name of the defence of democracy.⁵¹

In that frightening climate, Australians called again for the banning of dangerous books.

'Books of hate'

Since the introduction of new anti-terror legislation – 40 new laws since 2002 – two radical Islamist books have been banned for inciting crime, specifically terrorist acts.⁵² In late 2005, the Federal Police seized from Islamic bookshops in Sydney and Melbourne eight books and one video suspected of breaching the sedition laws: so-called 'books of hate'. They had been located by Sydney's *Daily Telegraph* in bookshops in suburban Lakemba and Auburn, and referred to the NSW Police, who sought the opinions of the Commonwealth Director of Public Prosecutions and Federal Police.⁵³ Both responded with legal opinions that the titles were not seditious and

did not constitute a threat. Ruddock, as Attorney General, then referred the books and video to the OFLC Board, which agreed there was no offence. This did not stop the *Daily Telegraph* which, counter to its longer history of anti-censorship advocacy, joined Sydney talkback radio in campaigning for more action from Ruddock, who next referred the titles to the OFLC Review Board. In July 2006 the Review Board decided that two of them did 'promote, incite or instruct' in matters of crime and so refused classification to *Defence of the Muslim Lands* (1984) and *Join the Caravan* (1987), both by Palestinian-born Islamic radical Sheikh Abdullah Azzam.

The books were banned for breaching the OFLC's guidelines rather than the sedition provisions in the anti-terror legislation, even if the 'matters of violence or crime' were terrorism, including suicide bombing and violence directed at the overthrow of governments, which the Board relied on the *Criminal Code* to define. That wide definition covers any act that causes serious damage to persons, lives or property in pursuit of a 'political, religious or ideological cause' with the intention of intimidating any government or 'a section of the public'. The same violence or crime provisions were used to ban Azzam's 'hate books' as to convict the *Rabelais* editors and though the penalties were measurably similar, the threats perceived are incomparable. Despite the Review Board's reliance on Justice French's ruling in the federal court on *Rabelais*, what is meant by 'instruction' is just as debatable as it was in the lengthy submissions from the editors' defence.⁵⁴

Both books were first published in the 1980s, calling for resistance to the Soviet Union's invasion of Afghanistan, before Azzam was assassinated in 1989, and are now broadly anachronistic. This resistance was supported and financed by some Western governments, including the US at the time. *Join the Caravan* exhorts, in English translation:

O brothers of Islam! Come, therefore, to the defence of your religion,
the victory of your Lord, and the elevation of the way of your Prophet!
Beloved brother! Draw your sword, climb onto the back of your horse
and wipe the blemish off your Ummah. If you do not assume this
responsibility, then who will?⁵⁵

The books had circulated freely since their publication. The 2006 ban was decided on updated editions from 2001 and 2002 but with new framing material from the publisher and translator, which the Board drew on as

evidence of the books' contemporary relevance. To demonstrate purpose, the Board cited endorsements from Osama Bin Laden and the 2001 preface to *Join the Caravan*, which declared it 'one of the principal inspirations for thousands of Muslims from all over the world to go and fight in Afghanistan to defend Muslim blood, property and honour'.⁵⁶ This reference of course refers to the earlier resistance to Soviet occupation, though, while no evidence could be offered that the books' free circulation had incited violence since then, further than such paratextual assertion.

There is no dispute that these books are 'calls to arms', as the Board declared, but the purpose and contexts of conflict for this call are more difficult to establish. At play are complex questions about how, when and where textual offence occurs, as well as about the danger that may or may not inhere in incitement. While the books call for Jihad in Afghanistan and elsewhere, they do not specifically mention Australia, so their incitement is not incitement to sedition, but the Board relied on the Criminal Code's extraterritorial terrorist provisions, enacted only in 2002, after the books' authoring. 'Fighting for the Taliban against the government of that country, as well as being an act of violence, is also a crime under the Criminal Code.'⁵⁷ Yet if the books were still relevant to the war on terror, 'merely fighting with the Taliban against western and pro-western forces does not automatically equate with committing terrorist acts', as Ben Saul argues.⁵⁸ This depends rather on the definitions of combatant in the international and humanitarian laws governing armed conflict – as the former *de facto* government of Afghanistan, at war with US-led forces, the Taliban cannot be simply classed as terrorists.

Parallels with the 1936 charge of sedition against *Short Stories from China*, for advocating the 'overthrow by force or violence of the established government . . . of any other civilised country' are apparent in the seeming over-reach of the laws beyond Australian contexts. There is the further question of the significant religious and rhetorical dimensions of these texts, their genre requiring figurative allusion, hyperbole and grandiose metaphors which do not ask to be read literally.

Attorney General Ruddock called for even tougher measures against hate books, wishing to see 'censorship laws tightened so that terrorist advocacy . . . is [explicitly] banned'.⁵⁹ The all-Labor states opposed such changes. Among other protests, submissions from the New South Wales Council for Civil Liberties to the Review Board protested that 'freedom of expression (and freedom of political communication in particular) is fundamental to the

functioning of a successful democratic society'. It noted that neither book was banned in any other Western nation and that 'it is not obvious that the material poses any significantly greater threat in Australia compared to any of the other countries in the world where it is freely available'.⁶⁰ The Board rejected these submissions. The Council then asked the Federal Court to overturn the ban – but in June 2007 the court refused to do so.⁶¹

In September 2006, the University of Melbourne's Baillieu Library was required to remove the books from its shelves, in a censorship of academic endeavour that had not been repeated since the 1960s. The university's Vice Chancellor wrote to the Attorney General warning that the ban would 'stop genuine scholars from accessing material in their area of expertise'. Ruddock replied that individual cases would be considered on their merits, but Education Minister Julie Bishop admonished that academics must 'abide by the law and [by] the need to protect Australia's security'.⁶²

Protests from library associations and the Australian Society of Authors pointed to the impact of the books' removal on commentary on Islam and Muslim community leaders emphasised the need for debate. In the *Herald Sun*, Amir Butler argued the bans actually harmed attempts to curtail jihadist ideas.

If we are to properly defeat what is essentially a perverted understanding of Islam, it is not enough to simply argue that these ideas are bad because the Government says so. These ideas must be comprehensively debunked and refuted. And Muslim leaders, scholars and intellectuals have been doing just this for more than 1000 years. This is the only means by which people will be dissuaded from adopting these ideas.⁶³

The ban on *Defence of the Muslim Lands* and *Join the Caravan* also interrupted the research of Flinders University sociologist, Riaz Hassan, funded by the Australian Research Council to study the development and rationale of terrorism, especially suicide bombers. Ruddock warned him directly that interviewing people involved in organisations linked to terrorism internationally could be in breach of the anti-terror laws.⁶⁴

Both of the prohibited books are readily available on the internet. They are hosted by international websites devoted to anti-Islamism, like 'IslamistWatch', which attempts to expose the ideology to censure by making available texts espousing violent global *jihad*. On such sites, the

books are outside the jurisdiction of Australian regulatory regimes. Sites hosted in Australia, however, can be prosecuted. In September 2008, a NSW Supreme Court jury convicted former Qantas baggage-handler Belal Khazaal of 'knowingly making a document connected with assistance in a terrorist act', which was his internet book entitled *Essential Provisions in the Rules of Jihad*.⁶⁵ This was the first case of an electronic book being subject to direct prosecution under the anti-terror laws and is thus a new direction in the history of Australian publications censorship.

Given a nine year jail sentence – by far the largest penalty handed down in any instance of what might be called political censorship in this country – Khazaal spent three years in Goulburn's notorious Supermax prison. In July 2011 the Court of Criminal Appeal quashed that conviction, on the grounds that the judge had failed to properly direct the jury. In the *SMH*, Khazaal's barrister compared his actions to 'graffiti' and decried the alleged crime as merely 'putting onto a website what was already on the internet . . . If anything, it's plagiarism.'⁶⁶

In December 2008, the Rudd Labor government declared that it would abolish the Howard government's sedition laws, promising to implement most of the ALRC's 2006 recommendations as well as those from the newly released Clarke inquiry into the handling of terror suspects.⁶⁷ Reforms introduced by Attorney General Robert McClelland in March 2010 repealed the recommended sections of the *Crimes Act* relating to unlawful association and inciting to crime, amended sections of the *Criminal Code* relating to 'treason', and replaced the word 'sedition' with 'urging violence against the constitution'. This redefinition lightens sedition's heavily symbolic threat but is offset by an expansion in the offence of urging violence against another, which now extends to individuals as well as groups, 'even where the use of the force or violence does not threaten the peace, order and good government of the Commonwealth' as McClelland explained.⁶⁸ How far such a change will impact on classification decisions is hard to assess, considering that recent book bans have been implemented not through the anti-terrorism laws directly but through established classification powers, and even the century-old censorship powers of Customs.

T-shirt speech

In the most direct example of the stifling of literary expression in the new climate, organisers of a poetry reading in Wollongong's public amphitheatre

in 2006 were told by the managers of the city's mall that there could be no poetry with 'religious or political content, or criticism of the government'. Jeremy Fisher from the Australian Society of Authors declared it an example of the problems 'caused by the sedition provisions of the Government's anti-terrorism laws'.⁶⁹ Instead, the organisers encouraged attendees to wear T-shirts defending free speech.

In a hyperbolic addendum to restrictions on the free speech of T-shirts, in 2008 the NSW government sought to introduce what were lambasted as 'annoyance laws'. To control public response to Catholic World Youth Day, the annual worldwide gathering of young Catholics, which was hosted in Sydney for the first time, Deputy Premier John Watkins introduced a regulation under which a police officer, a State Emergency Service member or even a rural fire service officer could 'direct a person within a World Youth Day declared area to cease engaging in conduct that . . . causes annoyance or inconvenience . . . to participants in a World Youth Day event'.⁷⁰

Directed particularly at protestors, these laws were taken to mean that an act like wearing a T-shirt with a slogan addressed to the politics of the day – perhaps protesting Catholic doctrine on birth control or homosexuality – would be an offence. Two young women, Rachel Evans and Amber Pipe, members of the NotoPope coalition, took a challenge to the Federal Court.⁷¹ In their favour, the court rejected the 'annoyance' part of the provision, finding the word too ill defined and far-reaching for the intention of the laws, since it could include 'expressions of opinion which neither disrupt nor interfere with the freedoms of others, nor are objectively offensive . . . Breach of this provision as drafted affects freedom of speech in a way that, in our opinion, is not supported by the statutory power'.⁷²

Although the decision was received as a victory for free speech, the application succeeded only because the provision was too 'general or ambiguous'. That is, in the Federal Court's opinion, freedom of speech can be overridden with clearer directions.

In a further point, which has its own ambiguity and irony, the court defended the speech of T-shirts, excluding them from items whose sale should be exclusive to event organisers on the day under the laws, so ensuring that others could circulate. 'T-shirts bearing slogans of the type that the applicants propose to distribute do not, in our view, fall within this class' declared the court, even though 'this class' in clause 4(c) explicitly

listed ‘items of apparel, including headwear, (for example, t-shirts, jumpers, jackets, pants, pyjamas)’.⁷³ This was a pragmatic decision that allowed the rest of the regulation to stand for the short duration of its life. It did carve out a legal space in which an utterance worn on the front of one’s shirt could look like a claim to free speech, though, unlike printed utterances on any other piece of clothing. Matthew Bowdler’s legal team in Brisbane in 2003 had needed just such a precedent.

Books of death

In another application of the incitement to crime provisions, with a different object, Customs seized 45 copies of Philip Nitschke and Fiona Stewart’s book *The Peaceful Pill Handbook* at Brisbane Airport in 2006. Published by Exit International in the US, the advocacy organisation for voluntary euthanasia and assisted suicide established by Nitschke, the book was confiscated from the luggage of Nitschke and Stewart’s travelling companion Elaine Arch-Rowe on their arrival back into Australia, with a bottle of the prohibited lethal drug Nembutal. This act reanimated the bag-searching role of Customs’ censorship regime; its strong powers to seize mean the department continues to have this active role in censorship. *The Peaceful Pill Handbook* has been as high as number 66 on online bookstore Amazon’s bestseller list and is still available to download from the internet. Customs referred it to the OFLC for classification.

The Board initially gave Nitschke and Stewart’s book a Category 1 classification, making it available in a sealed wrapper, as it had to the similar *Final Exit* by Derek Humphrey in 1992. This decision was appealed by Attorney General Ruddock and the NSW Right to Life Association. In early 2007 the Review Board instead refused the book classification on the grounds that the book incited readers to commit a crime in its advice on the manufacture of barbiturates. The NSW Council of Civil Liberties in two submissions to the review argued unsuccessfully that *The Peaceful Pill Handbook* is in effect a ‘call to political action to change the law’ in Australia, and therefore should be protected by any implied constitutional protection of freedom of speech.⁷⁴ The book’s banning was a logical outcome of the renewed emphasis on incitement to crime provisions, and evidences the heavy hand of the Attorney General himself again appealing decisions made by notionally independent bodies.

Soon after the bans on the Jihadist books in 2006, Ruddock acted

precipitatively to disestablish the Office of Film and Literature Classification, removing its status as an independent body and drawing its administrative functions directly into the Attorney General's Department.⁷⁵ While the two Classification Boards remain independent, serviced by the Department but not overseen by it, under the new government's Robert McClelland the OFLC no longer exists as an independent agency. This was status the federal film and literature censorship boards had assumed but not legally possessed since the early decades of the twentieth century.

Through 2007, Ruddock continued to push for tighter censorship laws, including a proposal to prohibit all works that simply 'advocate terrorism' or that 'might lead a person . . . to engage in a terrorist act'.⁷⁶ The state governments continued to resist, as did the Press Council, the Human Rights and Equal Opportunity Commission and the ALRC. The Labor-dominated states have not served as havens of free speech in recent years, nevertheless, instead adding to their own anti-terror provisions. New South Wales introduced highly unpopular special legislation that infringed the personal liberties of the people of Sydney during the Asia Pacific Economic Cooperation summit in 2007, even before Catholic Youth Day.

Freedom of information

The silencing effect of this growth in political censorship was underpinned by an increase in government secrecy and tighter control of information. In 2004, in an act of governmental pre-censorship similar to the *Spycatcher* case and the wartime treatment of Barnard Eldershaw's *Tomorrow and Tomorrow and Tomorrow*, the book of a former intelligence agent was censored and hard drives belonging to his publisher and others associated with the book erased.

Andrew Wilkie had resigned from the Office of National Assessments in early 2003 because of his disagreement with the misuse of intelligence reports in establishing the existence of weapons of mass destruction in Iraq and the need for war. Passages had already been excised from the manuscript of his book *Axis of Deceit* on the advice of Dr David Wright-Neville, a Monash academic and former analyst at the ONA, to avoid nominated threats to national security. Melbourne publisher Black Inc was cautious, however, and sent it for a second opinion to Canberra lawyer Martin Toohey. In an exceptional act, without telling Black Inc, Toohey then sent the manuscript to the Attorney General's department.

From there it circulated to other intelligence agencies. As publisher

Morry Schwartz recalled, a delegation from the Attorney General and the ONA was sent to Melbourne 'to negotiate cuts and edits':

A small team of computer experts was then sent to the Black Inc. office to cleanse the offending material from our computers. They transferred the data to a hard disk then gave us the option of having it taken away or destroyed in front of us. We chose the second option, then watched them do it with a special little disk-breaking hammer. They graciously followed up this service with a customer satisfaction form.⁷⁷

Similar disk 'cleansing' was undertaken of computers belonging to journalist Carmel Travers, commissioning editor Robert Manne and Wilkie's brother and sister. These actions took place under various powers instituted by the anti-terror laws governing national security. Double-silencing is a key feature of the laws in such instances: not only of the book itself, but of the process of censorship. Even the reporting of issues apparently threatening to national security can attract five years' imprisonment. In addition to the customer satisfaction forms, the subjects of the visits were required to sign confidentiality agreements.

This was, even though, as Schwartz carefully states, they 'weren't asked to make any changes of a political nature. The minor deletions were all *bona fide* and logical. They clearly related to legitimate security issues and we agreed to them willingly'.⁷⁸ Though Wilkie ran as a Greens candidate in the Prime Minister's electorate at the same time and Schwartz considered the content of his book politically 'explosive', the changes were not directed at saving the face of the government. As *Tomorrow and Tomorrow* and *Spycatcher* prompt, however, the content of such deleted 'security issues' can be highly varied, trivial and self-serving, perhaps, as deletions of references to the censorship itself now seem, or broad-reaching. As the laws stand, it is almost impossible to discover if this was also the case in *Axis of Deceit*.

Frow suggests that this case shows that the powers of the anti-terror laws reach much further than their stated aims, into effective if not actual political censorship and repression.

The proponents of legitimate, non-violent political opposition – people like Andrew Wilkie, or members of NGOs – are being defined by the intelligence services as potential enemies of the state.

Legislation to protect national security is being used as an instrument in a politics of othering which defines and expels from the polity the stranger without and the stranger within.⁷⁹

In the history of publications censorship in Australia, *Axis of Deceit* is a stark and revealing instance of government destruction of a book before publication – even of electronic versions of the manuscript – in a manner designed to intimidate.

In an unprecedented grouping in mid-2007, eight of Australia's most senior media executives formed themselves into a coalition titled 'Australia's Right to Know' and published a statement detailing nineteen infringements on freedom of information and freedom of speech, declaring the need for an 'audit' of Australians' freedom of speech. The eight men included the CEOs of the major media companies, the managing directors of both non-commercial television stations and the chairs of the industry bodies Free TV Australia and Commercial Radio Australia. The last of their examples concluded that 'it has become almost impossible to get balanced reports from war zones as it has been in the past. Our military will cooperate only with embedded journalists to ensure only the official line is reported'.⁸⁰ Attorney General Ruddock responded by asking the ALRC to examine Freedom of Information laws across Australia. An early November 2007 audit commissioned by Australia's Right to Know reported a 'slide to secrecy', finding that secrecy legislation, suppression orders and 'exorbitant' charges for the release of information under FOI laws were seriously hindering access of journalists and the public to 'vital information'.⁸¹

Australia's only full-length study of the political control of information came from distinguished jurist Jim Spigelman in 1972, then principal private secretary to Gough Whitlam. Spigelman noted that a key characteristic of governmental control of information in Australia was secrecy not only about the contents of documents, but about the existence of information in the first place. 'None of our traditional institutions enable us to assess the extent of infringement of our right to know', he stated, in an observation that applied equally, if not more exactly, to the publications censorship regimes then still in operation: 'It is for this reason, above all else, that secrecy has not been a continuing question of public controversy in either Britain or Australia. The extent of the infringement itself has been hidden.'⁸²

Publications censorship is now recorded immediately and decisions made publicly available on the Classification Board's database.⁸³ The Rudd federal Labor government undertook to reform FOI processes in 2008 and replaced the ALRC inquiry into freedom of information with a review of secrecy laws. This review recommended a shake-up of laws and aimed to wind back the reliance on criminal sanctions for unauthorised disclosures, which should only be imposed where the release 'has caused, or is likely or intended to cause, harm to identified public interests'.⁸⁴

These recommendations were still unimplemented when the Wikileaks affair exploded in late 2010, releasing 250,000 classified US State Department cables on the internet and turning the secret work of governments around the world inside out for public scrutiny. The affair entailed public protests and 'cyber warfare' involving the site, US and national governments, financial institutions and an 'army' of amateur hackers defending Wikileaks and its Australian-born founder Julian Assange on the grounds of free speech. Threats of serious criminal charges under US laws circulated, with confusion about the possibility of Australian ones. In the *London Review of Books*, the influential Slovenian cultural theorist Slavoj Žižek wrote: 'The true targets here weren't the dirty details and the individuals responsible for them; not those in power, in other words, so much as power itself, its structure'.⁸⁵ 'Welcome to the twenty-first century', wrote the UK's *Daily Telegraph*.⁸⁶

Henson and the art defence

In May 2008, a rather more old-fashioned censorship scandal exploded and made news around the world: police shut down an exhibition by internationally acclaimed photographer Bill Henson at the Roslyn Oxley Gallery in Sydney, seized the photographs and threatened Henson and Oxley with charges of child pornography. It replayed an earlier case of obscene art charges at the same gallery in 1982 involving Juan Davila's painting 'Stupid as a Painter', which had occasioned then Premier Neville Wran to declare that 'art has nothing to do with the vice squad'.⁸⁷ The Henson affair met with opposite political responses. In a media storm, new Labor Prime Minister Kevin Rudd condemned the photographs as 'revolting' and Premier Morris Iemma let police know of his disapproval before they even entered the gallery.

Despite this, and the widely reported police threats, it was clear that Henson could not be charged under NSW legislation. The *Indecent Articles*

and Classified Publications Act had been superseded by the state's *Classification Act*, passed in 1995 in conjunction with the federal legislation, and this left decisions about offensive obscenity to the OFLC. The NSW *Crimes Act*, with its stiff penalties for producing, distributing or possessing child pornography, also could not be brought to bear since Section 4 (c) allowed the clear defence that 'the defendant was acting for a genuine child protection, scientific, medical, legal, artistic or other public benefit purpose'.⁸⁸ Rather even than artistic 'merit', a concept able to be so contested in literary and art obscenity cases in the past, the provision hinged on the 'genuine purpose' and 'public benefit' of art, much more difficult to argue with. Drawn from the US 'Brennan doctrine' of the late 1950s and distinguishing obscenity from art by virtue of the notion of 'social good', the legal role of the concept is to maintain that distinction absolutely, since the public benefit of art consists in its very existence. Neither the definition of art nor its merit was at stake.

One key difference from the Davila case was the portrayal of children. The apparent sexualisation and exploitation of children offended those condemning Henson's photographs, and child-victim advocate Hettie Johnston, who filed the complaint resulting in the police raid declared, 'Nobody is above the law, not artists, they just can't be, children are suffering as a result.' She and others asked for proof that art did not exploit children. The Henson camp included former child models who came forward to testify exactly that.⁸⁹ Debate raged.

Another difference was that the invitation to the launch, featuring *Untitled (#30)*, an image of a naked twelve-year-old girl, was sent by Roslyn Oxley Gallery through the post and uploaded onto the internet. The image itself is typical of Henson's work – its subject looks at once composed and vulnerable, in a carefully constructed pose. While decisions were delayed from the OFLC on the pictures and from the Australian Communications and Media Authority on the internet content, police spread the drama interstate. Henson artworks were inspected at the National Gallery of Australia, the Art Gallery of NSW, the National Portrait Gallery and the National Gallery of Victoria. Others hanging in the Albury Art Gallery and other regional galleries were taken down.⁹⁰ In fact, the OFLC and ACMA had already decided that the photographs did not breach the classifications guidelines and should be rated merely 'MA'. The Roslyn Oxley Gallery had removed the images from the internet on the first day of the furore, however, and so neither authority could give a formal assessment until

the photographs themselves were handed over.⁹¹ When they did give this assessment, the police case disappeared.

Public protests divided evenly in the newspapers and television, but the federal and state legislation worked in favour of art. This was not wholly to art's benefit, however, in the long run. In the wake of the controversy the Australia Council introduced complex new protocols for artists using children or the images of children and in April 2010 the NSW Parliament quietly removed the defence of artistic merit from its child pornography legislation, without protest.⁹²

Concentrating anxieties about the role of children and adolescents in contemporary society, the Henson case brought to the fore a deep schism between a culture of protection and the long history of artistic interest in the development of sexuality, as a feature not just of the adult world that should be able to be examined. Like homosexuality, 'child sex' has been a key index of change in the community standards of censorship across the decades – child sex meaning abusive adult constructions of juvenile sexuality as a source of erotics, but also, and importantly, minors expressing and experiencing sex on their own terms, in so far as that may be possible. Acutely, the lack of participation from children and young people in such debates repeats their objectified position in similar moral panics across the last hundred years.⁹³ More broadly, the Henson case demonstrated that while state and federal legislative regimes can still reflect the victories won in favour of literature and art, those victories do not necessarily reflect divided community understandings of the role of representation, and they do not stand long uncontested.

Emergency censorship

In a parallel but starkly different manifestation of public concern about the vulnerabilities of children, in 2007 the federal government implemented an 'emergency' response to revelations of widespread child abuse in remote Aboriginal communities. This included bans on the circulation of material termed pornographic. The 'emergency' pre-existed such action of course and continues to persist, critics noting that 'the discourse of national emergency . . . works very effectively to ground the crisis firmly in the present, severing issues of child sexual abuse from any consideration of the quagmire of past governmental neglect'.⁹⁴

The Howard government's 'Intervention', as it was dubbed, banned

material permitted in other parts of Australia from certain 'prescribed areas' in the Northern Territory. Changes to the *Classification Act* in September 2007 made it an offence to 'possess, control or supply' what is baldly called 'pornography' but which includes all material classified as either Category 1 or Category 2, as well as refused classification under the *Act*, in certain prescribed areas. These include Aboriginal land under the *Aboriginal Land Rights Act*, community living areas, and areas that the minister declares to be prescribed areas. Those convicted could be fined up to \$22,000 or face two years in prison.

Like the ACT, the NT has not prohibited the sale of Category 1 or 2 materials, unlike the states, and so material can be sourced there that cannot be bought elsewhere. The Intervention's changes make mere possession or 'control' of this material in those areas an offence, however. Control can mean being the person on whose television a DVD is screened: it is a broad charge countering the *Act's* principle that adults have a right to view and read what they choose. The changes are described as 'special measures' to 'protect communities from violence and sexual abuse', after a comparatively high prevalence of abuse was revealed by the 2007 *Little Children are Sacred* report from the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Child Abuse.

The report focused on the impact on children of material that was circulating in communities such as videos, DVDs and magazines, and on subscription narrowcast television channels. Submissions raised concerns about the exposure of children and communities to restricted adult material, resulting from 'poor supervision, overcrowding in houses and acceptance or normalisation of this material'. The submissions argued that:

the daily diet of sexually explicit material has had a major impact, presenting young and adolescent Aboriginals with a view of mainstream sexual practice and behaviour which is jaundiced. It encourages them to act out the fantasies they see on screen or in magazines. Exposure to pornography was also blamed for the sexualised behaviour evident in quite young children.⁹⁵

The authors of the report took care to note that intentionally exposing minors to obscene material without a legitimate reason is an offence under the *Criminal Code* and could result in ten years' imprisonment. The

introduction of an education program drawing attention to this and to the impact on children was recommended, which would also further explain the classification codes.

The report did *not* recommend banning the material from communities. Rather, it was agreed that ‘it is unlikely that access to pornography itself or violence in movies and other material can be effectively prevented’.⁹⁶ Moreover, the lack of wider evidence of causal links between the viewing of pornography and sexual abuse was noted, although with emphasis on the possibility that extensive exposure *could* ‘desensitise’ children and normalise abuse.⁹⁷ The fact that a significant portion of complaints related to mainstream television, including music videos, however, demonstrated that community concerns echoed those of many non-indigenous parents. Crowded conditions and lack of adequate housing clearly contribute to the risk of children’s exposure as well, and censorship measures do not alleviate these.

In response, the federal government chose to ignore the report’s recommendations and instead implement a blanket ban on pornography, which was treated in the same way as alcohol and refused entry to specified communities. The ban was excluded from the commonwealth *Racial Discrimination Act* and NT anti-discrimination legislation. For the first time in the history of federal censorship, one segment of the Australian community is subject to tighter censorship of its reading and viewing on the basis of what are effectively racial distinctions. It is no surprise that that segment is Aboriginal. While censorship has looked to constitute a national ideal, in this instance it requires Aboriginal people to conform to viewing standards stricter than those in the classification code, casting them as at once more vulnerable and more deviant than the non-indigenous majority. Practical problems inhere in implementing the bans in the communities as well, not least in ‘filtering’ subscription television channels that contain much else besides programs classified as adult, as well as adult material that is only contestably pornographic – on the World Movies channel, for example.

At least the readers of Thursday Island who could not borrow their library’s copy of *Brave New World* in the 1930s shared that restriction with the rest of the country. In the history of censorship, many forms of banned material cast indigenous Australians as pornography’s objects, but they have not often been imagined as its readers. Even when Allen wondered about the claims of indigenous Australia in his 1963 assessment of *Another*

Country, claims for access to banned books were not among those posited. More contemporary policing of obscenity casts Aboriginal people rather as offenders, in the over-use of obscene language charges in policing.⁹⁸ Despite Australia's interest in sustaining its 'Anglo-Saxon' standards through the twentieth century, racialised distinctions between reading communities – or between kinds of readers, defined as more or less vulnerable – have actually manifested more directly in the early twenty-first century. So while the development of the internet and the sway of global capitalism over international publishing might suggest the end of isolated national reading communities, in some parts of Australia national priorities determine access to the world of meaning in distinctly unequal ways.

The censor's library now holds more pictures than words, or images than books, and even the old distinctions between these are breaking down. In the newly intimate public sphere, old and renewed laws aiming to regulate information and representation face challenges not only from new forms of communication but from new or intensifying ideas of offence. And while the new forms may generate new kinds of offence, older offensive meaning can gain new opprobrium when distributed through media with greater reach. In that context, censorship remains an arm of governmental power that must be wielded with precision, with transparency, with a very broad knowledge of the relativities of culture, and with conscientious regard not only for the liberties of human history and the cutting edge of the present, but for those unimagined liberties that the future has yet to offer us. When it must be wielded at all.

National reading

To censor, declared Robert Garran in 1934, one must draw on one's knowledge of 'books and their readers and the world'.¹ He imagined a censor's reading as rational, eclectic and hardy, the kind of adventurous practice honed by wide and fearless experience. It should transcend national boundaries, be open yet impervious to possibly dangerous content, and attend to the diverse impact of books in their widest reach, including on the lives, wants and proclivities of readers. That is, it should be completely different to the kind of reading censorship worked to enforce.

The first principle of the Australian Classification Code that 'adults should be able to read, hear and see what they want' nominates reading first, in a declaration attempting to assert a person's right to interpretive consumption in a mediated world. It is worth returning to Garran's conception, to turn finally but briefly from the censor's stories to the other side of censorship, to the reader's experience, which can also give us a revelatory picture of the circulation of meaning in Australia.

Censors read for the nation, on behalf of a polity and its government, and they set out to make national readers, whose sensibilities are shaped by territorial limits on what they read. In a postmodern world of globalised culture, such a notion can seem as antiquated as Garran himself appeared in the last years of his role as censor in the late 1950s. Could there ever have been such control? L. H. Allen's comment about Baldwin's *Another Country* in 1963, that the Australian reader was much less 'sex-conditioned' than others, shows not only the Literature Censorship Board's perception of its constituency, but its expansive confidence in censorship's successful management of that reader.

For Australians, particularly white Australians, reading in English has firstly been part of the imperial endeavour, defining the country's relationship to Anglophone culture from a place far removed, and latterly a key aspect of participation in the broader world. Reading should take one to places away from home. Print culture is mainly an import culture in Australia, and the 'portability' of literature and its reading contexts has been crucial to its social role.² Different to nationalist reading (reading local literature for its reflection of shared experience), national reading seems at odds with the very point of good reading: to find out about the world and one's place in it.³ Censorship, then, despite its aims, does not make good readers.

A list of possible Australian readers might include 'the woman reader, the indigenous reader, the migrant reader, the postcolonial reader, the colonial reader, the white reader, the queer reader, the New Zealand reader, the academic reader, the reader for pleasure, the popular reader, the lazy reader and the good reader'. This is New Zealand literary scholar Lydia Wevers' list. (She notes that the New Zealand reader of Australian literature may be just a category of one: herself.)⁴ Censorship regimes did not merely list readers but classified them socially, morally and economically as to their vulnerability to corruption. A hierarchy of reader varieties was generated, each distinguished and graded by the working decisions of the censors, and these determined which books should belong to which category or class.

Australian readers were divided into four explicit categories by censorship practices, while two more functional categories were also at work. For Customs and the Boards, there was the 'responsible' reader, closest to the censors themselves in his (definitely his) ability to read with rational dispassion, employing his expertise. He was the reader for whom restricted circulation material could be released: a 'good' reader whose elitism was important. Women readers were a broadly present category on whose behalf the censors read, while censorship relied on their proscribed role as moral police for authority. Women remained at once the primary object of obscenity and the majority of readers; this seeming paradox a reflection of their relative lack of power. Minor readers were another crucial category, materialising properly in the middle decades of the century as literacy rates lifted, forming a magnetic locus for anxieties about the role of culture in making identities. 'Sexually unstable' readers, identified explicitly by Kenneth Binns, were adult readers regarded as especially vulnerable to deviance, liable to lapse into homosexuality or worse if unprotected. These

readers could not be exposed to the suggestion that same-sex desire might be pleasurable, for example, without the danger of corruption or contagion. A morally and medically constructed phantasm, this category of reader had a crucial role to play in the restriction of obscene material of many kinds.

Two other kinds of readers were invoked less explicitly but no less powerfully. Popular readers – for most of the century conceived as working-class readers – needed strong protections, since they were also by definition ‘bad’ readers. Their reading could be dangerous because it was least rational and the books at issue not literary: the possible corruption was cultural as well as moral, since mass appeal was itself suspect. They read for pleasure, not edification, and this aim drew them close to the worst reader of all, the deviant reader. The deviant reader was a potent category for censorship, as the reader that all others could potentially become. Again conceived as a man, as historically the majority of pornography consumers have been, this reader was not vulnerable but dangerous, and to be quelled rather than protected. His reading should be controlled because, like the reading of those who were ‘sexually unstable’, it was highly likely to cause wrong social action or behaviour: from promiscuity to oral sex, from S&M to paedophilia. These were the six kinds of readers functionally at issue for censorship; those on whose behalf the LCB read conscientiously and with direction.

An Australian obscene

As a technique of governance, the institutions of censorship worked to shape what culture theorists term ‘regimes of reading’ or reading formations.⁵ But almost every reading Australian over a certain age recalls at least one banned book – whether *Bed for Beginners* or *Forever Amber*, *Lady Chatterley’s Lover* or *Portnoy’s Complaint*, *Oz* or *The Little Red School Book*. So this taxonomy of readers is no direct reflection of Australian reading during literary censorship’s long reign. It shows us something of censorship’s aims, but not necessarily its result. How far did censorship determine reading and with what effect? What difference did it make to local literary culture and readers’ experiences?

The precious coyness of Australian novels from the 1920s to the 1960s and the rectitude of experimental or avant-garde fiction, restraining a modernist interest in sexuality, seem obvious effects. The extremely low-profile of homosexual concerns, loves, identities and disruptive critiques, from the beginning of censorship until activists in the late 1960s brought

Australia up-to-speed with what was happening elsewhere, is another profound effect, impacting on lives, sexual experiences, relationships, social worlds.

Since there has been no significant threat to the rule of parliamentary democracy in Australia, it is interesting to speculate on the effect of (anti-democratic) sedition censorship in curtailing any such possibility, particularly in the 1930s. Censorship's 'chilling' effect on political discussion, as the High Court nominated it, is impossible to measure but has clearly been felt. The charge of blasphemy has been relatively rare, but sectarian conflicts between Catholics and Protestants did play out in Customs decisions, and not only about birth control, for much of the first half of the century. As an arm for realising the nationalist aims of white population growth, birth control censorship meant that women's access to information about reproductive control was pointedly curtailed in Australia, despite legal contests. Christianity's disproportionate influence in censorship decisions across the board reflects its dominance in secular Australia's political and social life, as well as ongoing attempts to sustain that dominance in the face of liberal transformations.

Banning the seamier parts of the great bulk of American and British pulp fiction and magazines paralleled the nationalist aims of the Australian culture industry, which campaigned successfully for outright tariff control of imported material rather than censorship in the years around World War II. Rather than removing such material from the shelves of news-stands, the effect of these bans was a long boom in the domestic production of pulp fiction, magazines and comics, even if filled with syndicated material smuggled in from the US. Like Canada, this allowed Australia to sustain its own industry, and it is interesting to speculate on what difference this made both to the content of pulp for Australian readers and to the development of Australian publishing into the 1960s and 1970s.

The influence of serious American writing could have been more extensive too, through the later 1950s and the 1960s, had there been access to US studies of sexuality or the banned books of writers like J. P. Donleavy, James Baldwin, Mary McCarthy, James Jones, William Burroughs and Henry Miller. Restrictions on the writings of significant African-American novelists, which the censors imagined quarantined Australia from North American 'race problems', meant material engaged with those problems similarly had little reception here. This is not to mention the sexy American

blockbusters missing from the postwar reading landscape, which rendered into cliché forms of sexual experience still unacknowledged in Australia.

Were Australians less 'sex conditioned' than readers from other countries? Stephen Marcus's banned *The Other Victorians* from 1964 notably argued for pornography's internationalism or generic 'indifference to place', and for its ahistorical character. Its implicit utopian fantasy, in which bodies are mere sexual parts and sexual encounters are endless repetitions, removes pornography from 'time, space, history, and even language itself'.⁶

Marcus's point is striking in relation to the national paradigms of twentieth-century censorship, but porn is not extra-national, at least as a product if it seems so as a genre. Its internationalism in books is an effect of national copyright laws that exclude obscene publications, as well as of the methods by which illegal titles circulated among countries with different prohibitions. All porn comes from somewhere, even if its widespread circulation means its conventions appear universal. Readers have not experienced it as placeless, either. The reputation attached to French, Italian and German publications by Australian censors to some extent reflects attempts by publishers to avoid English-language bans as well as the vagaries of the colonial book trade in the southern hemisphere. Pulp US publications were reviled in part because of their sheer proliferation, appearing to threaten an Australian cultural identity in their great quantity rather than through any obscene quality, so that mass culture itself was equated with American values.

Pornography and obscenity were banned as unAustralian but this was despite evidence, emerging particularly during the 1940s, that local productions could be just as obscene as imports. Such material laid claim, moreover, and pointedly, to exactly that national character that the censors were attempting to mould. Rather than producing pornography out of place and time, Australian novelists, playwrights, poets and even pulp fiction producers wanted to suggest that Australian experience had its own obscenity, its own offensive vernacular and its own forms of sexualised meaning. In some cases, it was obscenity in particular that marked the white nation's difference from its former British overlords. One could argue that this was a direct effect of censorship's imperial articulation in Australian regimes.

Like notions of the obscene, pornography also clearly changes over time, contra Marcus. Citing the development of early modern French pornography, book historian Robert Darnton refutes the notion that eroticism is immune from anachronism:

No matter how erotic a text may be, it can hardly affect readers today in the same way that it affected them centuries earlier; for reading now takes place in a mental world that differs fundamentally in its assumptions, values, and cultural codes . . . One could therefore take the opposite tack and read it for what it says about mentalities that no longer exist.⁸

Reading Australia's banned books over a century certainly demonstrates that national assumptions, values or ideologies, or what Darnton calls cultural 'codes' have changed in many respects. Despite attempts by the Classification Board to solidify the meanings of obscenity, these will continue to transform definitions of offence. At the same time, some erotics have remained current and other transgressions remain unacceptable. Not every meaning is completely transformed by time and past 'mentalities' can still be understood by their inheritors, even if they are anachronistic. Histories of censorship show us the edge of change, and abiding or renewable impulses to transgress and to suppress. Meaning that continues to be defined as offence is also effectively produced as such, trading in so far as it can on the appeal of the illicit.

Pornography is not a completely separate realm of sexual meaning or practice, cordoned off from our everyday ideas about ourselves and our bodies. Quarantine has been an aim for Australian censorship regimes, to contain the ways in which a nation imagines sexuality so that what are defined as obscene forms don't overwhelm, contaminate or 'corrupt' more 'normal' forms, those undertaken without apparent reference to pornography. Examining censorship and its objects allows us to see that porn, conversely, is a product of this system. It is only that which is defined as outside it; deviant indeed, rather than absolutely other. What is defined as pornography has a dynamic and interdependent relationship with what is not, rather than being an independent phenomenon that censorship can keep at arm's length. And sexuality as we live and understand it is in dynamic relationship with censored forms of meaning, changing or transmuting as society changes, and as censorship chooses to emphasise or to ignore different conceptions of offence.

Border control

Of the questions I posed at the beginning of this book, the question of *why* Australia has been such a relatively strong censor is the hardest to

answer. In the United Kingdom, Alan Hunt argues that moral campaigns and reform groups from the middle classes had a much stronger role in generating demand for censorship than did the government or the censors themselves.⁹ There is certainly evidence in Australia of extensive campaigning by religious organisations, some women's groups and other pro-censorship groups throughout the twentieth century, as there continues to be. Ministerial correspondence reveals the degree to which politicians have been sensitive to such pressure and the role of a conservative Australian constituency in firing the purpose of Customs ministers and officials should not be underestimated.

At the same time, Australia's legal and administrative regimes have combined with Australia's physical isolation to make the ideals of censorship more realisable here than elsewhere – than in British Commonwealth countries like Canada or India, for example, or the US or Europe. Australia's import culture, patrollable borders, expansive Customs bureaucracy, weak domestic publishing industry and powerful legal regimes, strengthened by overlaps between state and federal powers, make the case that Australia was a severe censor simply because it could be. Combine these with the idea of governmentality as necessarily a push to control, and the material conditions are established for a rigorously severe censorship practice that could to a large extent realise its aim of national moral control.

What informs the censorious impulse behind this ability is a bigger question about Australia's make-up as a nation. Does just being able to censor mean a nation must? Diverse anxieties motivate the ideals of prohibition – about what must be kept out – and propel the activities of individuals, groups and governments seeking to keep certain content from populations. These anxieties are yet expressed in a uniform effort: the effort to construct a singular national body or citizen – white, clean and reproductive, as I suggested in chapter three – that can be identified as 'Australian'. What that citizen knows and experiences as a sensate reading body (a teenage girl reading *True Confessions* in bed: the minor popular woman reader) is the concern of censorship. What matters for national censorship is that some supra-national control over that reader binds her to the collective ideal, so that such an overarching concept can in fact have existence, so that national unity – or at least reading unity – can be imagined. Australian regimes are perhaps no less anxious in this endeavour than those of other nations; it's just that the instruments have been more effective.

Open access

In 1958, in the wake of the scandal around *The Catcher in the Rye* and as debate about *Borstal Boy* escalated, parliamentary librarian Harold White fielded request after request from parliamentarians wishing to read books on the banned list. MPs asked that 'since book censorship which is frequently a difficult and controversial matter is ultimately the responsibility of the Parliament', they should be able to 'examine publications on the prohibited list in order to form their own opinions on the censorship process'. Requests came first to White, then to the library committee and then to the Minister for Customs. Minister Henty finally approved that the Customs reference library of banned publications, still then unknown to Parliament, become the 'agency through which such publications could be made available'.¹⁰

In contrast to the censor Binns, his predecessor, White was for better access to banned books. Members could only access the banned list on request from a senior library officer, however, and had to submit a written request to Customs. Records of such loans were kept separately from the ordinary library records and how long such access was sustained is unclear. By the mid-1960s, questions in Parliament again complained about the secrecy of the banned list.

Access even of a similar limited kind to banned books and publications is still difficult now, although the internet can make available the texts of banned books that are freely available outside Australia. Such sites will not survive efforts to restrict the national feed. While the database of classification decisions is also now publicly available, those with legitimate interest in assessing the efforts of the censors are still denied access to the content of banned material. Without knowing why something was banned, parliamentarians or anyone else cannot mount informed arguments about restrictions, nor legitimately lobby for or against the circulation of particular material. The powers of censorship are expanded by limits on what is known about censorship; not only about what and why, but how prohibitions are put in place, maintained and policed. If we do not know the details and the processes, the titles and the distribution bans, the classification codes, the contested decisions and the absolute bans, as well as what content offended and how, we do not know what we do not know. This knowledge is a facet of democracy, a necessary precept of a population's assent to control. Without such knowledge, we do not know the shape of power's reach: where it starts and where it may end, what it does for us and what it makes impossible for us to do.

National reading

Like White's protocols for access, this book seeks to introduce readers to the negative history of their own knowledge; demonstrating what has been kept from them and what may continue to be. In that endeavour, the collected archive of evidence documenting the practice of the regimes has been censorship's most powerful foe. The archive includes the censor's library itself, giving grist to politicians' mills against censorship in the late 1950s and now material evidence of books denied Australian existence. It is also made of the records of government agencies – the copious piles, folders and boxes of documents that record decisions, policies, correspondence and action – and much more than that. This book is a product of such archival memory. In that sense, it testifies in part to the triumph of documentary history over ideological power in the long run, of positive recall over negative erasure. Archives can make knowledge against power, even if only in retrospect and even though they are firstly its product. A library will undo a censor, it seems, and the recording impulse overwhelm a blank ledger, always waiting to be filled.

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1. Jane Perlez, 'The art of censor-snip', *Australian*, May 19 (1971). Clipped in NAA C3059/1 'Portnoy's Complaint' Folder.
2. Darton, 'Sex for Thought', np.
3. Stelmakh, 'Reading in the Context of Censorship in the Soviet Union', 144.
4. The National Library of Australia holds little historical erotica and no other library or museum in the country facilitates public access to such material. Crook, 'Erotica in Australian Libraries' np; The library at Flinders University in Adelaide holds the Eros Foundation's collection of erotica, but it is not available to the public.
5. Bullock and Moore, *Banned in Australia*, AustLit, 2008. <http://www.austlit.edu.au/specialistDatasets/Banned/bullockMoore>.
6. Marr, *Patrick White*, 501.

A sight worth looking at

1. NAA A3023 Folder 1935/1936.
2. NAA C4129.
3. Cecil Mann, Red Page, *Bulletin* 25 June 1930, 2.
4. NAA A3023 Folder 1953; NAA A3023 Folder 1954; *Daily Telegraph* Nov 26 1952, clipped NAA C3059/1, Box 139. Cf. Coleman, *Obscenity, Blasphemy and Sedition*, 30.
5. Foucault, *The History of Sexuality*, 34.
6. Rose, *The Intellectual Life of the British Working Classes*, 207.
7. Davison, 'A Note on the text', v.
8. Crick, *George Orwell*, 277; Orwell and Angus, *Collected Essays, Journalism and Letters*, 189, 193; Sheldon, *Orwell*, 238.
9. Coleman, *Obscenity, Blasphemy and Sedition*.
10. Heath, 'Literary Censorship, Imperialism and the White Australia Policy', Nile, *The Making of the Australian Literary Imagination*, 247–60; Buckridge, 'Clearing a Space for Australian Literature 1940–1965', Darby, 'The Censor as Literary Critic', Payne, 'Aspects of Literary Censorship in Australia'.
11. Coleman, *Obscenity, Blasphemy and Sedition*, xi.
12. Heath, *Purifying Empire*, 94–147; Heath, 'Literary Censorship', 69–70, Nile, *The Making of the Australian Literary Imagination*, 169–192.
13. Heath, *Creating the Moral Colonial Subject*; Nile, 'Literary Democracy' and *The Making of the Australian Literary Imagination*; Buckridge, 'Clearing a Space'.
14. Coetzee, *Giving Offense*; Hunt, *Governing Morals*; Hunt, *The Reinvention of Pornography*; Sigel, *Governing Pleasures*; Sullivan, *The Politics of Sex*; Williams, *Hard Core*.
15. Darnton, *The Literary Underground of the Old Regime*; Lyons and Arnold, *A History of the Book in Australia*; Carter, 'The Public Life of Literature'.
16. Finnane, 'Censorship and Conservatism'. Cf. Hunt, *Governing Morals*.
17. Douglas, 'Saving Australia from Sedition'. Cf. Dutton, 'Moral Protectionism'.
18. NAA A425 Item 1971/9600, 'Prohibited publication *The Bible Unmasked*'.
19. NAA C4129/1 Box F; NAA A3023 Folder 1933/1934, Folder 1950.
20. NAA A3023 Folder 1941/1944.
21. NAA A3023 Folder 1954.
22. NAA A425 Item 1943/5364 'Prohibited item'.
23. Marr, *The High Price of Heaven*.

Notes

24. Fox, *The Concept of Obscenity*, 41; Flick, *Civil Liberties in Australia*, 233; Payne, 'Aspects of Literary Censorship in Australia', 1; Hunter, Saunders and Williamson, *On Pornography*, 71–74.
25. *Age* Aug 17, 1889. Qtd Coleman, *Obscenity Blasphemy, Sedition*, 3.
26. Cf. Waldby, Review, 155.
27. *SMH* 22 May, 1930. Cf. Lloyd and Gilbert, *The Censorship and Public Morality*, 10–11; Payne, 'Aspects of Literary Censorship in Australia', 77. *SMH* 22, 23 May and 9 June. Qtd., Day, *Contraband and Controversy*, 181.
28. Coetzee, *Giving Offense*, 189.
29. Fox, *The Concept of Obscenity*; De Grazia, *Girls Lean Back Everywhere*; Craig, *The Banned Books of England*, 145.
30. Qtd Coetzee, *Giving Offense*, 20.
31. *Daily Telegraph* (Melbourne) 25 Jan, 1887, 4. Qtd Jarvis, 'Morality and Literary Realism', 410.
32. 'Books and Morals: Censorious Americans', *Argus* 21 April 1923, 4.
33. Darton, 'Sex for Thought', np.
34. Lacquer, *Solitary Sex*, 314.
35. Sullivan, *The Politics of Sex*, 61.
36. McDonald, *The Literature Police*, 11, 27.
37. Cf. Darby, 'The Censor as Literary Critic', 32.
38. NAA C4129/1; NAA A3023; Cf. Bullock and Moore, 'Introduction'.
39. *Commonwealth Gazette*, No. 23, 24 April (1958): 1232–33.
40. Lake, 'On Being a White Man', 110.

Shipping, air and parcel post

1. Coleman, *Obscenity, Blasphemy and Sedition*, 125–6; Heath, 'Creating the Moral Colonial Subject', 34–5; Jarvis, 'Morality and Literary Realism', 404–05; Pollack, *Sense and Censorship*, 7.
2. Bertrand, *Film Censorship in Australia*, Ch. 1; Jones, *Something in the Air*, 8.
3. Heath, 'Literary Censorship', 70, 74.
4. NAA A432; NAA A467; NAA C4127.
5. Watson, *Brian Fitzpatrick*, 69; NAA C4128/1.
6. Cf. Heath, 'Literary Censorship', 70.
7. Jansen, *Censorship: The knot that binds power and knowledge*.
8. Bratich, Packer and McCarthy, 'Governing the Present', 4.
9. Meese Commission Report, Department of Justice, *Attorney General's Commission*, 236; Qtd Hunt, *The Invention of Pornography*, 341.
10. Hunt, *The Invention of Pornography*, 9–10.
11. A useful outline of the influence of these *Acts* in Australia can be found in Fox, *The Concept of Obscenity*, 38–41, 57–58.
12. Stoler, *Race and the Education of Desire*, 7–8.
13. Stoler, *Race and the Education of Desire*, 184.
14. Arondekar, *For the Record*, 105.
15. Heath, 'Creating the Moral Colonial Subject' 116; Levine 'Sexuality, Gender and Empire'.
16. Young, *Colonial Desire*; Stoler, *Race and the Education of Desire*; McClintock, *Imperial Leather, Race, Gender and Sexuality in the Colonial Contest*; Levine, 'Sexuality, Gender, and Empire'; Woollacott, *Gender and Empire* 54–55.
17. Heath, 'Creating the Moral Colonial Subject', Ch 2.
18. Roberts, 'Morals, Art and the Law', 625–26.
19. Nile, *The Making of the Australian Literary Imagination*, 39; Lyons 'Britain's Largest Export Market' 19–22.
20. Lyons, 'Britain's Largest Export Market', 19.
21. Nile, *The Making of the Australian Literary Imagination*, 39.
22. Heath, 'Purity, Obscenity' 164–5.
23. Heath, 'Purity, Obscenity' 165.
24. Heath, 'Purity, Obscenity' 165.
25. NAA 981/4 LEAGUE OBS 2 'League of Nations. Obscene Publications Annual Report'; NAA 981/4 LEAGUE OBS 3 'League of Nations. International Agreement for the Suppression of Obscene Publications – Central Authority'.
26. NAA 981/4 LEAGUE OBS 4 'League of Nations. Obscene Publications Convention of 1923'; Heath, 'Purity, Obscenity', 165–66.
27. Speech by William Joynton-Hicks to the Author's Club, reported in the London *Daily Telegraph*, 12 Dec., 1928. Qtd Travis, *Bound and Gagged*, 67–8 and Heath, 'Purity, Obscenity' 160.
28. T. W. White 'Book Censorship', *Parliamentary Debates* 27 March 1935. Cf. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.

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29. Cf. Heath, 'Literary Censorship'.
30. Sigel, *Governing Pleasures*, 50–51.
31. Sigel, *Governing Pleasures*, 51.
32. Sigel, *Governing Pleasures*, 52.
33. Eileen Chanin, *Book Life*, 154.
34. NAA A3023 Folder 1938.
35. NAA A3023 Folder 1937.
36. NAA A3023 Folder 1938.
37. NAA A3023 Folder 1936.
38. McClintock, *Imperial Leather*, 21–28.
39. NAA A3023 Folder 1937.
40. NAA A3023 Folder 1951–1952.
41. NAA A3023 Folder 1950; NAA A3023 Folder 1951–1952.
42. Gilson and Zubrzycki, *Foreign-language Press in Australia*, 23, 167.
43. *Sun*. Clipped in NLA MS2113 L. H. Allen Papers.
44. McDonald, *The Literature Police*, 21.
45. Letter from E. Abbot to L. H. Allen, NAA A3023 Folder 1937.
46. Fox, *The Concept of Obscenity*, 57.
47. Coleman, *Obscenity, Blasphemy and Sedition*, 1; Heath, 'Creating the Moral Colonial Subject', 126.
48. Forster, 'The Collins Prosecution', 76.
49. Day, *Contraband and Controversy*, 30–34; Hirst, *The Sentimental Nation*, 171, 291.
50. Day, *Contraband and Controversy*, 104–105.
51. Coleman, *Obscenity, Blasphemy and Sedition*, 14–15, 19. Day's history of Customs relies on Coleman to assert that only 'three works of literature were banned until 1929, when the banning of James Joyce's *Ulysses* signalled a resurgence' (*Contraband and Controversy*, 106).
52. Coleman, *Obscenity, Blasphemy and Sedition*, 237; Bertrand, *Film Censorship in Australia*, 52.
53. Coleman, *Obscenity, Blasphemy and Sedition*, 13.
54. Payne, 'Aspects of Commonwealth Literary Censorship', 2; Cf. Bullock and Moore, *Banned in Australia*.
55. NAA A425 1943/2649, 'Prohibited Publications – General'.
56. Palmer, 'Fog on the Wharf', 11–12; cf. Nile *The Making of the Australian Literary Imagination*, 255; Coleman, *Obscenity, Blasphemy and Sedition*, 133–134.
57. NAA A425 1943/2649, 'Prohibited Publications – General'.
58. NAA C4480 Item 23 'Control of Prohibited Literature'.
59. NAA A425 Item 1962/15683 'Organisation – Literature Censorship Board – NSW'.
60. NAA C4480 Item 23 'Control of Prohibited Literature'.
61. NAA C4480 Item 23 'Control of Prohibited Literature'.
62. NAA C4480 Item 23 'Control of Prohibited Literature'.
63. NAA C4127.
64. Cf. Brannigan, 'Crimes from Comics' 23–41; Finnane, 'Censorship and the Child' 220–240. Cf. Craig, *The Banned Books of England and Other Countries*, 133.
65. NAA C4129; NAA C4480 Item 23 'Control of Prohibited Literature'.
66. L. H. Allen Papers NLA MS2113.
67. Parker, 'Robert Randolph Garran', np.
68. 'Headquarters to be in Melbourne: No Woman on the Committee', *Argus* May 18, 1933, 7; 'Book Censorship: Women Criticize Minister', *Argus* May 19, 5.
69. L. H. Allen papers NLA MS2113. 'Headquarters to be in Melbourne: No Woman on the Committee' *Argus* May 18, 1933, 7. 'Trades Hall Wants Representation' *Argus* July 14, 1933, 7.
70. 'Censors Attuned to Modern Thought: "Not Wowsers or Victorian"', *Argus* July 14, 1933, 7.
71. Robert Garran, 'When Books are Banned: Principles that Guide the Censors', Melbourne *Herald* 7 June 1934, 6. Clipped L. H. Allen papers, NLA MS2113.
72. K. H. Bailey, Melbourne *Herald* June 1934. Clipped L. H. Allen papers, NLA MS2113.
73. L. H. Allen papers, NLA MS2113.
74. 'Women rejected from jury for obscenity trial', *SMH* 8 May, 1974.
75. Bertrand, *Film Censorship in Australia*, 85–86.
76. NAA A3023.
77. NAA A3023 Folder 1935/36, Letter from E. Abbott, Comptroller General of Customs to R. Garran, 15 August 1935.
78. NAA A3023 Folder 1953.
79. NAA A3023.
80. Cf. Darby, 'The Censor as Literary Critic'.

No business of god or man

1. Wainer, *Lost*, 20, 109.
2. Coleman, *Obscenity, Blasphemy and Seditious*, 91–97; Finnane, ‘Censorship and Conservatism’ 85; Darby, ‘William Acton’s Antipodean Disciples’.
3. Bongiorno, ‘Every Woman a Mother’.
4. Bashford and Strange, ‘Public Pedagogy’; Siedlecky and Wyndham, *Populate and Perish*; Haire, *Birth Control Methods*.
5. NAA A425 Item 1943/2649 ‘Prohibited publications – General’.
6. Siedlecky and Wyndham, *Populate and Perish*, 160, 161.
7. Heath, ‘Literary Censorship’, 70.
8. New South Wales Parliament, *Report of the Royal Commission on the Decline of the Birth Rate*, Clause 115, 32.
9. New South Wales Parliament, *Report of the Royal Commission on the Decline of the Birth Rate*, Clause 71, 53.
10. Day, *Contraband and Controversy*, 102–103.
11. Exp. Collins 9 NSWLR 497. Forster, ‘The Collins Prosecution’, 76. In 1873, the US Comstock Law had contrarily interpreted it to explicitly criminalize the circulation of information relating to contraception and abortion. Cf. McGarry, ‘Spectral Sexualities’, 8–9.
12. *Hansard* 22 Oct. 1936, 1193.
13. J. F. Coates, *NSW Parliamentary Debates* 153. Qtd in Hall, *Marie Stopes*, frontispiece.
14. Klausen places South African ‘fears of national decline’ in this shared context (Klausen, *Race, Maternity and the Politics of Birth Control*, 5) and see MacLeod and Lewis, *Disease, Medicine and Empire*, for earlier discussion of this South African history in medical discourse.
15. Heath, ‘Literary Censorship’, 69.
16. There is extensive scholarship relating to the Windeyer judgment. See in particular Forster ‘The Collins Prosecution’, Hubber, ‘Neo-Malthusian Ephemerata’, and Finnane, ‘Censorship and Conservatism’, 83.
17. Stephens, *Red Pagan*, 14–16, 141–2; Jarvis, ‘Morality and Literary Realism’, 407.
18. ‘Indecent Literature’, *Bulletin* 11 Oct, 1884, 4; Jarvis, ‘Morality and Literary Realism’, 408, 416.
19. Coleman, *Obscenity, Blasphemy and Seditious*, 81.
20. Jarvis, ‘Morality and Literary Realism’, 410.
21. Jarvis, ‘Morality and Literary Realism’, 418.
22. Forster, ‘The Collins Prosecution’, 79.
23. Forster, ‘The Collins Prosecution’, 80.
24. Finnane, ‘Censorship and Conservatism’, 83.
25. Parliament of South Australia, *Indecent Advertisements Act*, 1897, Clause 2.
26. Advertisement, *Ross’ Magazine* 1.2, Jan 1 1916, 17.
27. R. S. Ross, ‘New and Frank Sex Books,’ *Ross’ Magazine* 3.26 1918, 23.
28. NAA MP341/1 Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
29. NAA MP341/1 Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
30. NAA MP341/1 Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
31. NAA MP341/1 Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
32. NAA MP341/1 Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
33. ‘Government Law-Breakers and Supercilious Bureaucrats’, *The Catholic Press*, Sept 19, 1935, 22–23; Clipped NAA MP341/1, Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
34. ‘Government Law-Breakers and Supercilious Bureaucrats’, *The Catholic Press*, Sept 19, 1935, 22–23; Clipped NAA MP341/1, Item 1934/8205 ‘Indecent and Obscene Mail Matter’.
35. NAA A425/2649 ‘Prohibited Publications – General’.
36. Shellard and Nicholson, *The Lord Chamberlain Regrets*, 73–79.
37. Bongiorno, ‘Every Woman a Mother’, 50.
38. Coleman, *Obscenity, Blasphemy and Seditious*, 92; Finnane, ‘Censorship and Conservatism’, 85.
39. Finnane, ‘Censorship and Conservatism’, 84.
40. NAA MP341/1/ 1913/9411, Box 157; Cf. Heath, *Creating the Moral Colonial Subject*, 140.
41. ‘Chidley’s Book’, *Evening News* 20 Jun 1913; Clipped NAA MP341/1/ 1913/9411, Box 157.
42. Coleman, *Obscenity, Blasphemy and Seditious*, 96.
43. Hall, ‘Review’, 507.
44. Bertrand, *Film Censorship in Australia*, 86–87.
45. Saunders and Taylor, ‘To Combat the Plague’, 13.
46. Coleman, *Obscenity, Blasphemy and Seditious*, 60.
47. Tucker, *The Story of Life*, 9.
48. NAA MP33/SA Item 1928/463 “‘Woman’s Destiny and Birth Control” – question of registration as a book and transmission by post’.

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49. NAA MP33/SA Item 1928/463 "Woman's Destiny and Birth Control" – question of registration as a book and transmission by post'.
50. Skitch, *Woman's Destiny and Birth Control*, 150.
51. NAA MP33/SA Item 1928/463 "Woman's Destiny and Birth Control" – question of registration as a book and transmission by post'.
52. Heath, *Purifying Empire*, 175.
53. Phadke, *Sex Problems in India*, 226–32.
54. NAA A3023, Folder 1933/1934.
55. NAA C4129.
56. NAA A425/122 Item 1935/8897, 'Prohibited Publication "Eugenics and Sex Harmony"'.
57. NAA A425/122 Item 1935/8897, 'Prohibited Publication "Eugenics and Sex Harmony"'.
58. NAA A425/1 Item 1970/6196 'Publication "The Principles of Contraception"'; NAA A425/1 Item 42/3764 'Prohibited Publication "New Birth Control Facts"'. Qtd in Day, *Contraband and Controversy*, 214.
59. NAA A3023, Folder 1933/1934.
60. Cf. Brookes, 'Reproductive Rights', 121; Moore, 'Me Operation'; Moore, 'Interrupting Maternal Citizenship'.
61. NAA A425 Item 1944/359, 'Prohibited Publications, "Commonsense about Sex"'.
62. First published November 1933, reprinted 1934, 1936, 1937, 1938, 1939.
63. Eyles, *Commonsense About Sex*, 48, 100.
64. Eyles, *Commonsense About Sex*, 73.
65. NAA A425 Item 1944/359, 'Prohibited Publications, "Commonsense about Sex"'.
66. NAA A425 Item 1944/359, 'Prohibited Publications, "Commonsense about Sex"'.
67. NAA A425 Item 1944/359, 'Prohibited Publications, "Commonsense about Sex"'.
68. NAA C4129.
69. NAA A425 Item 1938/1192, 'Prohibited Publications "The Why and How of Birth Control"'. One of prolific British author George Riley Scott's titles, simply titled *Birth Control* in the Customs records, appears to have been banned before 1937, but no individual file records this. The only evidence is a reference to its banning in the correspondence on Anderson's book, a clerk pointing to their similar content as a reason to ban the Anderson title. Scott's book was also not referred to the board.
70. NAA A3023 Folder 1937.
71. NAA A3023 Folder 1937.
72. NAA A425/127 Item 1946/1611, 'Prohibited Publications "Secrets of Love and Marriage"'.
73. NAA A425/127 Item 1946/1611, 'Prohibited Publications "Secrets of Love and Marriage"'.
74. NAA A425/122 Item 1938/11992, 'Prohibited Publication, "Modern Marriage and Birth Control"'.
75. Evans and Ferrier, *Radical Brisbane* 198–202. Connie Healy, Mick's wife, offers a history of the Anvil Bookshop and its strong connections with the Left Book Club.
76. NAA A425/122 Item 1938/11992, 'Prohibited Publication, "Modern Marriage and Birth Control"'.
77. Evans and Ferrier, *Radical Brisbane*, 202.
78. NAA A425/122 Item 1938/11992, 'Prohibited Publication, "Modern Marriage and Birth Control"'.
79. NAA A3023 Folder 1939.
80. L. H. Allen Papers, NLA MS 2113.
81. NAA A3023 Folder 1938.
82. NAA A3023 Folder 1938.
83. NAA A425/122 Item 1938/11992, 'Prohibited Publication, "Modern Marriage and Birth Control"'.
84. Finch, *The Clashing Gaze*, 107–12. Allen, 'Octavius Beale Reconsidered. 111–12.
85. Finch and Stratton, 'The Australian Working Class and the Practice of Abortion'; Finch, *The Clashing Gaze*, 113–19.
86. Moore, *Covert Operations*, 62–71.
87. Qtd in Brookes, 'The Illegal Operation', 166.
88. Ellis, *Sex in Relation to Society*, 473.
89. Moore, *Covert Operations*.
90. NAA A425 Item 1937/9231 'Prohibited Publications (Seditious) "The Storm over the Ruhr" ...'
NAA A425 Item 1944/359 'Prohibited Publications, "Commonsense about Sex"'.
91. NAA A425/145 Item 1949/1976, 'Prohibited Publications, "Letty Fox: Her Luck" and "A Little Tea, A Little Chat"'. Cf. Moore, 'The Absolutely Incredible Obscenity of *Letty Fox*'.
92. NAA B13/0 Item 1939/2884 'Indecent literature. 12 copies "Unlicensed Nurse" by Carl Sturdy.'
93. NAA A3023 Folder 1941/1944.
94. NAA A3023 Folder 1941/1944.
95. See in particular, *Beckett's Budget* Jan. 10 (1930): 7. Cf. Coleman, *Obscenity, Blasphemy and Sedition*, 102.
96. NAA C4129/1 Box T; 'Gynaecology : More Abortions, the Reasons Why', *Time* Sept 17, 1965.
97. Saunders and Taylor, 'To Combat the Plague', 13.

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98. Saunders and Taylor, 'To Combat the Plague', 13.
99. *SMH*, 2 Sept 1942. Qtd Day, *Contraband and Controversy*, 231.
100. 'Dr Norman Haire, from Harley St', *Smith's Weekly* Oct 5, 1940, clipped in NAA A367 Item C69409 'Haire Dr Norman (formerly Zions)'.
101. NAA A367 Item C69409 'Haire Dr Norman (formerly Zions)'.
102. NAA A367 Item C69409 'Haire Dr Norman (formerly Zions)'.
103. Travis, *Bound and Gagged*, 93.
104. Haire, ed., *Encyclopaedia of Sex Practice*.
105. Bashford and Strange, 'Public Pedagogy', 74.
106. Coleman, *Obscenity, Blasphemy and Sedition*, 98–99.
107. NAA A367 Item C69409 'Haire Dr Norman (formerly Zions)'.
108. Siedlecky and Wyndham, *Populate and Perish*, 124; Haire, *Birth Control Methods*, 15–16.
109. Tucker, *The Story of Life*, 9.
110. Bashford and Strange, 'Public Pedagogy', 82–83.
111. Bashford and Strange, 'Public Pedagogy', 84.
112. Parliamentary Debates NSW 2718.
113. Cf. Bashford and Strange, 'Public Pedagogy', 97.
114. Phadke, *Sex Problems in India*, 283.
115. Cf. Haebich, *Broken Circles*.
116. Day, *Contraband and Controversy*, 103.

Sedition's fiction

1. Australian Law Reform Commission, *Fighting Words*, 47.
2. Baker, *Mutiny, Terrorism, Riots and Murder*.
3. Connolly, 'Sedition: A Brief History' 12; Connolly 'Submission to the Senate – Appendix'; Crennan, 'On Sedition', 70.
4. *Daily Telegraph*, 5 March, 1949. Qtd in Baker, *Mutiny, Terrorism, Riots and Murder*, 18.
5. Australian Law Reform Commission, *Fighting Words*, 164.
6. Baker, *Mutiny, Terrorism, Riots and Murder*, 17.
7. Tasker, 'Censorship in the Theatre', 38; Darby, 'New Theatre and the State'.
8. NAA C4127.
9. Hocking, *Frank Hardy*, 75.
10. Cf. Hocking, *Frank Hardy*, Ch. 4 and 5 for a full account of the political motivations for this charge.
11. Cf. John Frow 'Who Shot Frank Hardy?'.
12. Cf. Douglas, 'Saving Australia From Sedition', 173.
13. NAA A432 Item 1943/4694 'Journey Into The Future (Book by Frank Hardy) Question of Registration'.
14. Garran, *Prosper the Commonwealth*, 221–222; Cf. Darby 'The Censor as Literary Critic', 31.
15. For discussion of publications banned during the first world war see Coleman, *Obscenity, Blasphemy and Sedition*, 131–34, and Pollack, *Sense and Censorship*, 135–36.
16. Douglas, 'Saving Australia From Sedition', 140; Pollack, *Sense and Censorship*, 150.
17. *SMH* April 16, 1920.
18. Heath, 'Literary Censorship', 71.
19. NAA A467/1 Special Files 'Seditious Literature'. Cf. Douglas, 'Saving Australia From Sedition', 141.
20. NAA P437, Item 1920/678, 'Prohibited Publications'.
21. *Melbourne Herald*, June 1934. Clipped in L. H. Allen papers, NLA MS 2113.
22. Heath, 'Literary Censorship', 71.
23. NAA P437, Item 1920/678, 'Prohibited Publications'.
24. Jauncey, *The Story of Conscription*, 296; Cf. Sparrow, *Communism*, 9.
25. *Theatre Magazine*, 1 July 1921, 39.
26. Bertrand, *Film Censorship in Australia*, 18.
27. NAA BP4/2 Item MF1000-MF1099 '3rd Military District [Victoria] Censor's Intelligence Reports'.
28. Sparrow, *Communism*, 103–104.
29. NAA P437, Item 1920/678, 'Prohibited Publications'.
30. Loch, *To Hell and Back*. Introduction by de Vries and de Vries, ix–xiv.
31. Willis, 'The Censored Language of War'.
32. Palmer, 'Frederic Manning', 9.
33. 'Sordid War Books: Sir Ian Hamilton's View.' *Argus* April 28, 1930, 11.
34. Willis, 'The Censored Language of War', 467.
35. NAA A425 Item 1943/2670 'Prohibited publications; "Academic Study" "A Farewell to Arms" and others as listed on order B287 of 9.1.1931 and 201 of 26.9.29.'

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36. 'Too Stark for Most Readers', *Daily Telegraph*, 24 June 1929; Clipped in NAA A425 Item 1971/9600 'Prohibited publication *The Bible Unmasked*'.
37. NAA A425 Item 1943/2649 'Prohibited Publications General'.
38. NAA A425 Item 1971/9600 'Prohibited publication *The Bible Unmasked*'. Cf. *Daily Mail*, Jan 16 1930. Cf. Lloyd and Gilbert, *The Censorship and Public Morality*, 46.
39. 'Bookseller on Anomalies of Censorship', *Daily Guardian*, March 5 1930, 1.
40. NAA SP906/1 Item A51/11587, 'The Well of Loneliness'.
41. "'All Quiet on the Western Front": Banned in NSW,' *Argus* May 10 1930, 23.
42. Karolides, Bald and Sova, *100 Banned Books*, 6–7.
43. 'Banned War Books: Publishers in reply: Youth Should Know the Truth', *Argus* May 29, 1930, 11.
44. NAA A425 Item 1971/9600 'Prohibited publication *The Bible Unmasked*'.
45. NAA A467 Item SF7/81, 'Seditious Publications – correspondence from the Minister for Trade and Customs (Colonel White)'.
46. NAA A425 Item 1937/9231 'Prohibited Publications (Seditious) "The Storm over the Ruhr" . . .'
47. T. M. White, 'Book Censorship', Parliamentary Debates, 27 March, 1935. Cf. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.
48. Coleman, *Obscenity, Blasphemy and Sedition*, 141; Douglas, 'Saving Australia from Sedition', fn 117, 157.
49. NAA C4127; NAA C4128.
50. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.
51. Allen Hutt papers, Communist Party of Great Britain Archive, <http://www.history.ac.uk/ihr/Resources/Books/microform.html>.
52. NAA A467 Item SF7/81, 'Seditious Publications – correspondence from the Minister for Trade and Customs (Colonel White)'.
53. Cf. Paula Rabinowitz, *Labor and Desire: Women's Revolutionary Fiction in Depression America*, University of North Carolina Press, 1991. 26.
54. NAA A425 Item 1937/9231 'Prohibited Publications (Seditious) "The Storm over the Ruhr" . . .'
55. NAA A425 Item 1937/4252 'Prohibited Publications "Moll Flanders", "Roxana" (Defoe)'. Cf. Day, *Contraband and Controversy*, 208.
56. NAA C4480 Item 23 'National Literature Board of Review Correspondence'; NAA C4128.
57. Coleman, *Obscenity, Blasphemy and Sedition*, 140.
58. Watson, *Brian Fitzpatrick*, 69.
59. NAA A467 Item SF7/81 'Seditious Publications – correspondence from the Minister for Trade and Customs (Colonel White)'.
60. Folio 'Control of Imported Literature' NAA C4480, Item 23, 'National Literature Board of Review Correspondence'.
61. Watson, *Brian Fitzpatrick*, 106; Evans and Ferrier, *Radical Brisbane*, 200.
62. Sparrow, *Communism*, 261; Coleman, *Obscenity, Blasphemy and Sedition*, 146.
63. Day, *Contraband and Controversy*, 229–30.
64. NAA BP361/2 Item 27 Part 1, 'Communists and Censorship'.
65. Coleman, *Obscenity, Blasphemy and Sedition*, 141.
66. Harcourt, 'The banning of *Upsurge*', 33.
67. Munro, *Wild Man of Letters*, 160; Coleman, *Obscenity, Blasphemy and Sedition*, 143.
68. *The Publicist*, June 1938, 6–8.
69. NAA A467 SF42/234 [Communism], 'The Publicist Periodical Sydney Press Censorship Order – Paragraph 3 National Security (General) Regulations'; NAA Series A6335, Item 3, 'Australia First Movement (*The Publicist*)'.
70. NAA C4127.
71. NAA C4127.
72. This offence was arguably encoded in the definition of sedition in the 2005 anti-terror legislation, however. Australian Law Reform Commission, *Fighting Words*, 163.
73. NAA A3023 Folder 1933/34.
74. Price, 'Agnes Smedley', 3.
75. Price, 'Agnes Smedley', 3.
76. Price, 'Agnes Smedley', 2.
77. NAA C4127; NAA A3023 Folder 1935/6.
78. NAA A467 SF42/290 [Communism]: Seditious Literature. "Short Stories from China".
79. Harcourt, 'The Banning of *Upsurge*', 31–32; Cf. Nile, 'Introduction', xxv.
80. NAA A425/126 Item 1943/2791 'Prohibited publications – "The Pearlers", "Upsurge"'. Cf. Nile, 'Introduction', xxvii.
81. Nile, 'Introduction', xxvi–xxvii.
82. NAA A3023 Folder 1933/1934.

Notes

83. Qtd in Nile, 'Introduction', xxv.
84. Nile, 'Introduction', xxvii.
85. Macintyre, *Concise History*, 180–81.
86. Nile, 'Introduction', xxvii.
87. Harcourt, *Upsurge*, 31–32.
88. Harcourt, *Upsurge*, 189.
89. Harcourt, *Upsurge*, 190.
90. Harcourt, *Upsurge*, 190.
91. NAA A425 Item 1937/8313 'Prohibited Publication "Nineteen Nineteen"'.
92. NAA A3023 Folder 1939.
93. NAA A3023 Folder 1939; NAA C4127.
94. Nordan, 'Foreword', vi.
95. Coleman, *Obscenity, Blasphemy and Sedition*, 43.
96. NAA A3023 Folder 1941/44.
97. NAA A3023 Folder 1945/7.
98. NAA A3023 Folder 1948/9.
99. NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'; NAA A425/122, Item 1935/10184, 'The Virtuous Courtesan'.
100. NAA A425 Item 1943/4694 'Prohibited Publications "All for Love" "Poor Swine"'.
101. Pearson, 'The Banning of *The Butcher Shop*', 225–6.
102. Pearson, 'The Banning of *The Butcher Shop*', 226.
103. National Archives of New Zealand, 24/43/48; Qtd in Pearson, 'The Banning of *The Butcher Shop*', 226.
104. Pearson, 'The Banning of *The Butcher Shop*', 227.
105. Qtd in Pearson, 'The Banning of *The Butcher Shop*', 228.
106. Qtd in Pearson, 'The Banning of *The Butcher Shop*', 228.
107. *Daily Telegraph* 15 May, 1926; *Bulletin* Red Page 3 June 1926.
108. NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
109. *SMH* 29 Aug 1929; Ferrier, *Jean Devanny*, 135.
110. 'Hectic Books Harm Old Not Young!' *Daily Guardian* Sept 1929; Clipped in NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
111. *SMH* 29 Aug 1929; Qtd in Pearson, 'The Banning of *The Butcher Shop*', 231.
112. 'Hectic Books Harm Old Not Young!' *Daily Guardian* Sept 1929; Clipped in NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
113. Pearson, 'The Banning of *The Butcher Shop*', 231.
114. NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
115. NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
116. Compare Devanny's appeal with the opinion of LCB member Kenneth Binns, passing A.G. MacDonald's *Autobiography of a Cad* (Macmillan) in 1939, which he described as: 'A scathing satire of social snobbishness and the privileges which are associated with wealth . . . Instead of censoring this book, I would like to see it widely read especially by certain classes of society.' NAA A3023 Folder 1939.
117. Munro, *Wild Man of Letters*, 69.
118. Cf. Campbell, 'Thou Shalt Not Read', *Stead's Review*, Dec 2, 1929, 23; NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
119. NAA A425 Item 1943/4415 'Prohibited Publications "The Butcher Shop", "Die Herrin"'.
120. Payne, 'Aspects of Literary Censorship' 77–78, cites *List of Permanent Officers of the Commonwealth Service on 30 June 1935*.
121. *SMH* 22, 23 May and 9 June; Qtd. Day, *Contraband and Controversy*, 181.
122. NAA A425/127 Item 1943/4694.
123. Devanny, 'The Literary Moral Standard', 13.
124. Devanny, 'The Literary Moral Standard', 13.
125. Douglas, 'Saving Australia from Sedition', 137.
126. 'Jean Devanny Defence Committee', *Workers' Weekly* 22 June, 1934, 2.
127. 'Against Literature Ban.' *Workers' Weekly* 22 June, 1934, 2.

Brave new moderns

1. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
2. Day, *Contraband and Controversy*, 223.
3. 'Censorship Attacked: Mr Well's Lash.' *SMH* Jan 26, 1939, 11.
4. *Daily Mail*, 'The Censorship' Jan. 23, 1933.
5. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
6. James Douglas, 'The Man Who Hates God', *The Sunday Express* April 10, 1932, 12–13.

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7. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'; NAA A425 Item 1937/8313 'Prohibited Publication "Nineteen Nineteen"'.
 - 8. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
 - 9. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
 - 10. Ernest Scott, "'Brave New World" and the Customs Ban' *Argus* Jan 21, 4; Anna Brennan, 'Censorship of Books' *Argus* Jan 28, 9.
 - 11. *Daily Telegraph*, 18 Feb. 1933.
 - 12. *Argus* 19 Jan. 1933, 8.
 - 13. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
 - 14. NAA A425 Item 1937/9526 'Prohibited Publication "Brave New World"'.
 - 15. Boone, *Libidinal Currents*, 3; Gilmore, 'Obscenity, Modernity, Identity'; Glass, 'Redeeming Value'; Pease, *Modernism, Mass Culture and the Aesthetics of Obscenity*.
 - 16. *Appointment in Samara* was banned from 1935 to 1954 (NAA C4129/1), *Alexanderplatz* from 1934 to 1958 (NAA A425/172 1964/8571), *All Men are Enemies* from 1933 to 1953 (NAA A3023 Folder 1953) and Colette's *The Gentle Libertine* (1931) was reportedly taken off the banned list in 1958 (*The Bulletin* 9 May 1958, 2).
 - 17. NAA A425 Item 37/4252 'Prohibited Publications "Moll Flanders", "Roxana" (Defoe)'.
 - 18. Williams, *The Quarantined Culture*; Chanin and Miller, *Degenerates and Perverts*; Heyward, *The Ern Malley Affair*, 15.
 - 19. NLA MSS 9148 T. W. White papers, Folder 'Book Censorship'. Qtd Heath 'Obscenity, Purity' 167.
 - 20. Coleman, *Obscenity, Blasphemy and Sedition*, 19; Matthews, *Dance Hall and Picture Palace*; Hamilton and Johnson, eds. 'Localising Modernities'.
 - 21. Matthews, *Dance Halls and Picture Palaces*; Shirley and Adams, *Australian Cinema*.
 - 22. Dutton, *Out in the Open*, 78; Qtd in Chanin and Miller, *Degenerates and Perverts*, 113.
 - 23. NAA A3023 Folder 1937.
 - 24. NAA A3023 Folder 1937.
 - 25. Chanin and Miller, *Degenerates and Perverts*, 88, 248.
 - 26. 'Censorship of Books: System to Remain.' *Argus* 10 June, 1930, 9.
 - 27. T. M. White, 'Book Censorship', Parliamentary Debates, 27 March, 1935. Cf. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.
 - 28. Hunter, Saunders and Williamson, *Pornography* 97.
 - 29. 'U.S. Magistrate Rules Novel Obscene' *Daily Telegraph* 31 May 1944.
 - 30. Hunter, Saunders and Williamson, *Pornography* 97.
 - 31. Pease, *Modernism, Mass Culture and the Aesthetics of Obscenity*.
 - 32. NAA A425 Item 1964/8571 'Publication – Lady Chatterley's Lover – Part 1'.
 - 33. Travis, *Bound and Gagged*, 137.
 - 34. 'Literature Censorship.' *Argus* 2 Feb 1929, 19.
 - 35. *Daily Express* 15 August 1929; Qtd in Travis, *Bound and Gagged* 133; Cf. Munro, 'The Secret Third Edition' 224–25.
 - 36. Munro, *Wild Man of Letters*, 69.
 - 37. Travis, *Bound and Gagged*, 129.
 - 38. Warren, Boulton and Mansfield, eds. *The Letters of D.H. Lawrence. Vol 4*, 273.
 - 39. Norbar, 'Forbidden Fruit: Books Australians May Not Read.' *West Australian*, Sat 5 Oct, 1935, 7.
 - 40. NAA A425 Item 1964/8571 'Publication – Lady Chatterley's Lover – Part 1'.
 - 41. NAA A425 Item 1964/8571 'Publication – Lady Chatterley's Lover – Part 1'.
 - 42. Warren, Boulton and Mansfield, eds. *The Letters of D.H. Lawrence: Vol 4*, 275.
 - 43. NAA C4480 Box 23; Payne, 'Aspects of Literary Censorship', 14.
 - 44. De Grazia, *Girls Lean Back Everywhere*, Parkes, *Modernism and the Theatre of Censorship*, Pagnattaro, 'Carving a Literary Exception'.
 - 45. Pagnattaro, 'Carving a Literary Exception'; Travis, *Bound and Gagged*, 21–22.
 - 46. Pagnattaro, 'Carving a Literary Exception', 227–232.
 - 47. Travis, *Bound and Gagged*, 21.
 - 48. 'The Censorship.' *SMH* 24 July 1930, 10.
 - 49. Payne, 'Aspects of Literary Censorship', 18–19.
 - 50. Lindsay, 'The Sex Synonym in Art', 25; Cf. McQueen, *The Black Swan of Trespass*, 8, 12.
 - 51. 'Screamers in Bedlam: Annotated Moderns', *Vision*, May 1923, 43.
 - 52. Palmer, 'Literary Censorship', 4.
 - 53. Anderson, 'Ulysses', np.
 - 54. *The John Anderson Archive*, <http://setis.library.usyd.edu.au/anderson/articles.html>.
 - 55. NAA A425/127 Item 1943/4766 'Prohibited Publications "Dubliners" (Joyce)'.
 - 56. NAA A425/127 Item 1943/4766 'Prohibited Publications "Dubliners" (Joyce)'.
 - 57. NAA C4129.

Notes

58. NAA C4480/1 Item 23, 'National Literature Board of Review Correspondence on Censorship and Legislation'.
59. NAA C4480/1 Item 23, 'National Literature Board of Review Correspondence on Censorship and Legislation'.
60. Travis, *Bound and Gagged*, 43. *Ulysses* was released in Canada in 1949 after 26 years on the prohibited list (*Chronicle of Freedom of Expression in Canada*, Accessed July 2008, <http://www.efc.ca/pages/chronicle/chronicle.html>).
61. NAA C4480/1 Item 23, 'National Literature Board of Review Correspondence on Censorship and Legislation'; NAA A3203 Folder 1941/1944.
62. 'Rush to Buy "Ulysses"' *SMH* 20 Sept 1941; 'Repercussions Possible: Book Ban Causes Worry' *SMH* 23 Sept 1941.
63. 'Objectors to "Ulysses": Minister Silent on Names', *SMH* 11 Sept 1941.
64. "'Ulysses" Ban: Reply to Clerical Critics', *SMH* 27 Sept 1941.
65. "'Ulysses" Ban: Anglican Synod's Approval', *SMH* 12 Nov 1941.
66. 'Objectors to "Ulysses": Minister Silent on Names', *SMH* 11 Sept 1941.
67. Payne, 'Aspects of Literary Censorship', 27.
68. NAA File 63/28971; Qtd in Payne, 'Aspects of Literary Censorship', 31.
69. NAA C1300 Box 1 Folder 20.7.1963–28.9.1963; Payne 'Aspects of Literary Censorship', 38.
70. "'Redheap": Banned in Australia', *SMH* 22 May 1930, 10.
71. Mendelssohn, 222.
72. Packer, 'Norman Lindsay', 181–82.
73. Lindsay, *The Roaring Twenties*, 67.
74. Kirkpatrick, *The Sea Coast of Bohemia*, 194–195.
75. Munro, *Wild Man of Letters*, 46.
76. NAA C4129.
77. Lindsay, *Redheap*, 305.
78. Pollack, *Sense and Censorship*, 175.
79. Payne, 'Aspects of Literary Censorship', 44.
80. Lionel Lindsay, *The Comedy of Life*; Qtd in Pollack 171.
81. Moore, 'Covert Operations'.
82. "'Redheap": Banned in Australia', *SMH* 22 May 1930, 10.
83. Payne, 'Aspects of Literary Censorship', 41, quoting NAA File 59/24212.
84. Payne, 'Aspects of Literary Censorship', 41–2, quoting NAA File 59/24212.
85. NAA A432 Item 1930/812, 'Redheap by Norman Lindsay Customs Act 52(c)'; Darby 'The Censor as Literary Critic', 35; Payne's reading of the file, cited by Darby, refutes this however. See also Nile, *The Making of the Australian Literary Imagination*, 253.
86. NAA A432 Item 1930/812, 'Redheap by Norman Lindsay Customs Act 52(c)'.
87. 'Banning of "Redheap". Commonwealth Powers to Prevent Reprinting,' *SMH* 27 May 1930, 10; Letter to the editor *SMH* 27 May 1930, 10; 'Norman Lindsay and This Censorship', *Bulletin* 28 May 1930 51 (2624) 9; Mann, 'Australia Remains a Joke', *Bulletin* 25 June 1930, 2.
88. Buckridge, *The Scandalous Penton*, 112.
89. Howard, 'Norman Lindsay's Right to Adolescence', *Stead's Review*, June 2, 1930. 15–16.
90. *Daily Guardian* 22 May, 1930. Cf. Payne, 'Aspects of the Literary Censorship', 44.
91. 'Banning of "Redheap": Commonwealth Powers to Prevent Reprinting', *SMH* 27th May 1930, 10; *Daily Guardian*, 27 May, 1930.
92. Payne, 'Aspects of the Literary Censorship', 49, quoting NAA File 59/24212.
93. Mendelssohn, *Letters and Liars*; Coleman, *Obscenity, Blasphemy and Sedition*, 23.
94. *Smith's Weekly*, May 31, 1930. Cf. Payne, 'Aspects of the Literary Censorship', 47.
95. Payne, 'Aspects of the Literary Censorship', 49–50, quoting NAA 59/24212.
96. NAA C4126.
97. NAA A425 Item 1938/7782 'Prohibited Publication – Advertising Matter Relating to Sex Publications'.
98. NAA C4129.
99. *SMH* 22 May, 1930, 10.
100. *Bulletin*, 21 May 1930, 5.
101. State Records NSW, Colonial Secretary Correspondence Special Bundles, 'Investigations of Indecent and obscene Publications' 4/6633–34. Thanks to Diane Wyndham for this reference. 'Police Seize Weekly Paper: Raid on Bookshop, Stock Confiscated', *Daily Telegraph* 16 Jan 1934, 4.
102. Shellard and Nicholson, *The Lord Chamberlain Regrets*, 67–73.
103. Rose, *The Intellectual Life*, 207.
104. Coleman, *Obscenity, Blasphemy and Sedition*, 43.
105. 'Book Censorship: Results of Police Activity', *SMH* 16 Oct. 1930, 12.
106. Howard, 'Norman Lindsay's Right to Adolescence', *Stead's Review*, June 2, 1930, 16.

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107. Hetherington, *Norman Lindsay*, 187–88.
108. NAA A425/17 Item 1943/4415 'Prohibited Publications "The Butcher Shop" "Die Herrin"'.
109. Lloyd and Gilbert, *The Censorship and Public Morality*, 21.
110. Angus & Robertson papers, ML MSS 314/68. Thanks to Chris Cunneen for establishing the genesis of the pamphlet.
111. Lloyd and Gilbert, *The Censorship and Public Morality*, 16, 17.
112. Macintyre, *Concise History*, 187.
113. Holt, 'Censorship, citizenship and democracy', n.p.
114. 'Book Censorship Abolition League', *All About Books*, 7.1 15 Jan 1935, 14.
115. Cf. L.H. Allen papers, NLA MS 2113; Watson, *Brian Fitzpatrick*, 69; Coleman's account relies on the Mitchell Library's clipping file, vol 201.
116. The debate was sponsored by *The Star*, a small pamphlet newspaper, which reported the debate and reprinted the speeches, and a copy of that edition is held in L.H. Allen's papers, NLA MS2113. See Heath for a discussion of that debate, also based on *The Star*'s report ('Literary Censorship', 78).
117. Watson, *Brian Fitzpatrick*, 78–79.
118. *All About Books*, 6.4 April 12, 1934, 86.
119. *All About Books*, 7.5 May 10, 1935, 86.
120. *All About Books*, 6.6 June 12, 1934, 126.
121. 'Jean Devanny Defence Committee.' *Workers Weekly* 22 June 1934, 2.
122. 'Strong Protest Against Book Censors in Australia', *Daily News* (Perth) 26 June, 1935: 1.
123. NAA A425/145, Item 1949/1976 'Prohibited Publications, "Letty Fox: Her Luck" and "A Little Tea, A Little Chat"'.
124. T. W. White, 'Book Censorship', Parliamentary Debates, 27 March 1935. Cf. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.
125. Macintyre, *The Reds*, 210–11.
126. NAA A467 Item SF7/81 '[Seditious Literature]: Seditious publications – correspondence from the Minister for Trade and Customs (Colonel White)'; NAA A425/1/50/8052. Cf. Day, *Contraband and Controversy*, 483.
127. NAA A425 Item 1937/9526 'Prohibited publication "Brave New World"'.
128. NAA A425 Item 1937/9526 'Prohibited publication "Brave New World"'.
129. T. W. White, 'Book Censorship', Parliamentary Debates, 27 March 1935. Cf. NAA C4480 Item 23, 'National Literature Board of Review Correspondence'.

Homosexualists and pornographs

1. NAA A3023, Folder 1933/1934.
2. NAA A3023, Folder 1933/1934.
3. Edelman, *Homographesis*, 7.
4. d'Arch Smith, *R. A. Caton and the Fortune Press*, 56.
5. Greenidge, *The Magnificent*, 13.
6. Steward, *Chapters from an Autobiography*, 107.
7. Halberstam, *Female Masculinity*, 98.
8. See McQueen, *Tom Roberts*, 402, for the reception of the Wilde scandals in Australia.
9. Letter to Gerard Hopkins, 15 Aug 1928; Qtd Baker, *Our Three Selves*, 22.
10. Baker, *My Three Selves*, 224; 'The Passing Show in England', *Advertiser* 29 Sept 1928, 23.
11. Baker, *My Three Selves*, 228.
12. NA UK CUST/49/1057.
13. Taylor, 'I Made Up My Mind to Get It', 253.
14. Egan, *The Sink of Solitude*, np.
15. NA UK CUST/49/1057.
16. NA UK CUST/49/1057.
17. Taylor, 'I Made Up My Mind to Get It', 253; Baker, 353.
18. My summary of the US treatment of *The Well* relies on Taylor's account, 255–57.
19. Taylor, 'I Made Up My Mind to Get It', 261.
20. NAA P437/1 1912/1710 'List of Prohibited Publications and consignment of books detained'.
21. *Western Mail* 11 Oct 1928, 18; *Western Argus* 6 Nov 1928, 36.
22. The question of importation was then tested, to affirm Covici-Friede's American copyright, requiring a ruling from US Customs. The Lower Customs Court declared the book obscene, but the Higher Court reversed the decision in July 1929. With the New York decision this effectively cleared the novel for circulation throughout the American states (Taylor, 'I Made Up My Mind to Get It', 284).
23. Gilmore, 'Obscenity, Modernity, Identity', 216; Taylor, 'I Made Up My Mind to Get It', 284.
24. NAA SP906/1 A51/11587 'The Well of Loneliness'.
25. NAA B741 Item V/6226 'The Mell of Loneliness' [sic].

Notes

26. In 1930, Lloyd and Gilbert reported that a book took five weeks to arrive in Australia after its publication in Britain (Lloyd and Gilbert, *The Censorship and Public Morality*, 4–5).
27. NAA SP906/1, Item A51/11587 'The Well of Loneliness'. Cf. Day, *Contraband and Controversy*, 180.
28. NAA SP906/1, Item A51/11587 'The Well of Loneliness'.
29. NAA SP906/1 Item A51/11587 'The Well of Loneliness'.
30. Day, *Contraband and Controversy*, 182.
31. Cf. Faderman, *Odd Girls and Twilight Lovers*. Anna Clark proposes 'twilight' 'as a metaphor for those sexual practices and desires that societies prohibit by law or custom but that people pursue anyhow, whether in secret or as an open secret' ('Twilight Moments', 140). Andre Tellier's 1948 novel for and about gay men, *Twilight Men*, was banned by the LCB in 1953.
32. Coleman, *Obscenity, Blasphemy and Sedition*, 30.
33. NAA C4480 Box 23.
34. NAA C4129.
35. Douglas Stewart, *Bulletin* 9 May, 1948, 2.
36. 'Secret Book Banning Under Fire', *SMH* 9 Jan 1948, 3.
37. Cf. Taylor, 'I Made Up My Mind to Get It', 286. 'The conclusion in 1929 was that only those lesbian novels without explicit lesbian sexuality, that relied on a biological theory of inversion, and that were directed to consumers with money and the capacity for high language could circulate safely.'
38. NAA C4129.
39. Palmer, 'Literary Censorship', 4.
40. Lloyd and Gilbert, *The Censorship and Public Morality*, 16.
41. NAA C4419.
42. NAA SP906/1 Item A51/11587 'The Well of Loneliness'.
43. Taylor, 'I Made Up My Mind to Get It', 285.
44. Lake and Holmes, eds. *Freedom Bound II*, 126.
45. *AustLit* entry on Walford.
46. NAA A3023 Folder 1935/36.
47. Walford, *Twisted Clay*, 20.
48. NAA A3023 Folder 1937.
49. Walford, *Twisted Clay*, 21.
50. NAA A3023 Folder 1935/36; C4129.
51. Walford, *Twisted Clay*, 23.
52. *AustLit* entry on Walford.
53. Palmer, 'Where is the Australian Bush?' 175.
54. Devanny, *The Virtuous Courtesan*, 9.
55. Devanny, *The Virtuous Courtesan*, 13.
56. Devanny, *The Virtuous Courtesan*, 17.
57. Ferrier, *Jean Devanny*, 108.
58. Campbell, 'Thou Shalt Not Read', 23.
59. NAA A3023 Folder 1935.
60. NAA A425/122 Item 1935/10184, 'The Virtuous Courtesan'.
61. NAA A425/122 Item 1935/10184, 'The Virtuous Courtesan'.
62. Devanny, *The Virtuous Courtesan*, 27.
63. Dutton, *Kenneth Slessor*, 66.
64. Ferrier, *Jean Devanny*, 308.
65. NAA A3023 Folder 1939.
66. NAA A3023 Folder 1939.
67. NAA A3023 Folder 1947.
68. NAA A3023 Folder 1949.
69. Biographical details for Scales NAA C4480 Item 23 'Commonwealth of Australia records about importation of prohibited publications and letters about censorship'.
70. NAA A3203 Folder 1954.
71. NAA C4371/1 Item 51 'Reports for cyclical reviews and lists of publications for Gazettal [National Literature Board of Review]'.
72. Willett, 'The Darkest Decade', 132.
73. Corey, *The Homosexual in America*, 51.
74. NAA A3023 Folder 1950.
75. NAA A3023 Folder 1950.
76. NAA A3023 Folder 1950.
77. NAA A3023 Folder 1950.
78. NAA A3023 Folder 1950.
79. NAA C4371/1 Item 51 'Correspondence of the Chairman of the National Literature Board of Review'.

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80. NAA C4129.
81. Altman, *Gore Vidal's America*, 176.
82. NAA A3023 Folder 1954.
83. Mayne, 'Afterword', 214.
84. A. H. Hewitt papers, NLA MS 6583, Box 3.
85. Willett, 'The Darkest Decade'; Reynolds, 'Queer Histories'; Reynolds, *From Camp to Queer*, chs. 1 and 2.
86. Wotherspoon, *City of the Plain*; Aldrich, *Colonialism and Homosexuality*; Ford "Lady-friends" and "sexual-deviationists", 34.
87. Ford, "Lady-friends" and "sexual-deviationists", 35.

Bastards from the bush

1. The most definitive version is collected by Brad Tate in his anthology of obscene Australian ballads.
2. Glassop, *We were the Rats*, 81.
3. *Daily Telegraph*, April 25, 1946.
4. Foucault, *History of Sexuality*, 48.
5. Before the war, a book needed a print run of 3000 to break even and 5000 to turn a profit. In his discussion of the period's commercial context, Richard Nile notes that this 'immediately knocked out serious writers from consideration by the few Australian publishers who possessed sufficient resources to publish and market books in Australia' ('Literary Democracy', 133).
6. *Daily Telegraph*, April 25, 1946, 7; *SMH*, April 25, 1946, 3.
7. Boyd vs. Angus and Robertson, 189.
8. *SMH* April 25, 1946, 3.
9. Penton, *Censored!* 13; Buckridge, *The Scandalous Penton*, 258–264.
10. Penton, *Censored!* 62.
11. Saunders, 'The Texts of *Tomorrow*', 243–45.
12. McQueen, 'Memory and Imagination', 21.
13. Griffen-Foley, 'Revisiting the "Mystery of a Novel Contest"', 416–418; Moore, 'Obscene and Over Here', 320.
14. NAA A425/145 Item 1949/1976 'Prohibited Publications: "Letty Fox – Her Luck"; "A Little Tea, A Little Chat" (by Christina Stead)'.
15. Moore, 'The Absolutely Incredible Obscenity of *Letty Fox*', 70.
16. Lyons, 'The Book Trade and the Australian Reader in 1945', 402.
17. Hocking, *Frank Hardy*, 49.
18. James McAuley and Harold Stewart, statement in 'Ern Malley, Poet of Debunk', *Fact* 25 June, 1944. Qtd Michael Heyward, *The Ern Malley Affair*, 171.
19. Peter Coleman was again rescuing McAuley from the shadow of Malley in *The Australian*, Sept 2006.
20. Heyward, *The Ern Malley Affair*, 214.
21. Heyward, *The Ern Malley Affair*, 169–172; Cf. Mead, *Networked Language*, 111.
22. Buckridge, 'Clearing a Space', 174.
23. Qtd Mead, *Networked Language*, 121.
24. Mead, 'Cultural Pathology', 85.
25. Mead, 'Cultural Pathology', 87.
26. Heyward, *The Ern Malley Affair*, 237.
27. Heyward, *The Ern Malley Affair*, 257.
28. LaCapra, *Madame Bovary on Trial*, 31.
29. Ferguson, 'Emma, or Happiness', 749.
30. Qtd in Mead, *Networked Language*, 113–17.
31. Qtd in Mead, *Networked Language*, 123–33.
32. Harris, 'Editorial', 2.
33. Harris, 'Editorial', 2.
34. Heyward, *The Ern Malley Affair*, 236.
35. Heyward, *The Ern Malley Affair*, 237.
36. Heyward, *The Ern Malley Affair*, 236.
37. L. K. V., 'The Law and Censorship', *SMH* May 18 1946, 8.
38. Judgement qtd in Mead, *Networked Language*, 144.
39. Heyward, *The Ern Malley Affair*, 259–260.
40. Harris, 'Editorial', 2.
41. Buckridge, 'Clearing a Space', 174, Coleman, *Obscenity, Blasphemy and Sedition*, 54–55.
42. Harris, Editorial, 3.
43. *SMH* April 25, 1946, 3.
44. *SMH* April 25, 1946, 3.

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45. Lindsay, 'Foreword', np.
46. *SMH* April 25, 1946, 3.
47. *SMH* April 26, 1946, 4.
48. Glassop, 'The "We were the Rats" Case,' 38.
49. *SMH* April 26, 1946, 4.
50. Buckridge, 'Clearing a Space', 176.
51. W. T. Goodge, *Bulletin*, 11 Dec. 1898, 26; C. J. Dennis, *Backblock Ballads and Other Verses*, 110–12.
52. Glassop, *We were the Rats*, 81.
53. *Sun*, 8 July 1948; Cf. Wales, 'The Play in the Theatre', xv.
54. Fox, *The Concept of Obscenity*, 26.
55. NAA A3023 Folder 1940.
56. Hunt, *The Invention of Pornography*, 37. See Lucienne Frappier-Mazur's essay in the volume, which she's summarizing: 'Truth and the Obscene Word in Eighteenth-Century French Pornography', 203–221.
57. Glassop, *We were the Rats*, 103.
58. Glassop, *We were the Rats*, 178.
59. Boyd vs Angus and Robertson.
60. Glassop, 'Red Page', *Bulletin*, 69 (3582), Oct 6 1948, 2.
61. Glassop, *We were the Rats*, 179.
62. Pittendrigh, 'An Appreciation of Henry Miller', 19.
63. Miller, 'Obscenity', 4.
64. Miller, 'Obscenity', 6–7.

Literature in handcuffs

1. 'Whole Novel Being Read to Jury', *Argus* 23 March 1948, 5; R. vs Close, VLR 1948.
2. R. vs Close, VLR 1948.
3. 'Adelaide Firms Fined for Sale of Book', *Argus* 9 July, 1946, 20; Cf. Close, *Of Salt and Earth*.
4. 'Author of "Love Me Sailor" for Trial', *Argus* 11 Feb 1947, 6.
5. McLaren, *Writing in Hope and Fear*, 2; 'A Siren Goes to Sea', 23 March 1946, 10S.
6. Brody, Dansky, Rubin vs The Queen, [1962] S.C.R. 681.
7. Mann, *The Robert Close and Georgian House Case*, np.
8. R. vs. Close VLR 1948, 448.
9. R. vs. Close VLR 1948, 465.
10. McLaren, *Writing in Hope and Fear*, 1.
11. Close, *Love Me Sailor*, 286.
12. McLaren, *Writing in Hope and Fear*, 3.
13. McLaren, *Writing in Hope and Fear*, 1.
14. 'Complaints over Australian book', *Courier Mail*, 1 April 1946, 5; 'Gao for Author: "Assault on Morality"', *SMH* 21 April, 1948, 3.
15. 'Literature in handcuffs', *Bulletin* 69.3558, 28 April 1948, 9.
16. 'Literature in handcuffs', *Bulletin* 69.3558, 28 April 1948, 9.
17. 'Literature in handcuffs', *Bulletin* 69.3558, 28 April 1948, 9.
18. *Bulletin* 29 Sept, 1948, 2.
19. Close, *Of Salt and Earth* 243–4; McLaren, *Writing in Hope and Fear*, 2.
20. 20 April 1946, 3 July 1946, Robert Close Papers, Fisher Library.
21. Close, *Love Me Sailor*, 12–13, 29.
22. Cf. Susan Sheridan's discussion of prostitution in writing of the period in *Along the Faultlines*, 51–68.
23. Sydney *Truth*, July 1946. Qtd Coleman, *Obscenity, Blasphemy and Seditious*, 60.
24. Green, *History of Australian Literature*, 1136; Close, *Love Me Sailor*, 87.
25. Green, *History of Australian Literature*, 1136–37.
26. Close, *Love Me Sailor*, 29.
27. Cleland, *Fanny Hill or Memoirs of a Woman of Pleasure*, 177–78.
28. McLaren, *Writing in Hope and Fear*, 1.
29. Qtd, Matlock, 'Censoring the Realist Gaze', 28.
30. Devanny, 'The Literary Moral Standard', 14.
31. Cornell, *The Imaginary Domain*, 106.
32. R. vs Close, VLR 1948, 447.
33. 'A Close View of the Trial.' Close Papers NLA MS7254.
34. Close, *Of Salt and Earth*, 234.
35. AAP reporting, *Sun Herald*, 7 Sept 1975. Clipped in Close Papers NLA MS7254.
36. 'Author who went to Jail', *People* 19 July 1950, 33–5.
37. Close Papers, Fisher Library.

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38. Close, *Of Salt and Earth*, 235.
39. Close, *Of Salt and Earth*, 239.
40. Nile, 'Literary Democracy', 145.
41. Hunter, Saunders, and Williamson, *On Pornography*, 10.
42. Williams, 'A Sense of Worth', 61.
43. Fox, *Dream at a Graveside*, 128.
44. Friend, *The Diaries of Donald Friend*, 602–09.
45. Rees, Review, *Australian Quarterly*, Mar 1949, 125.
46. 'Authors on Censorship', *Bulletin*, 69 (3581) Sept 29 1948, 2; Red Page, *Bulletin* 69 (3582), 6 Oct 1948, 2; Red Page, *Bulletin*, 69 (3583), 13 Oct 1948, 2.
47. NAA A3023 Folder 1951/1952. The LCB later compared John Vail's *The Sea Waifs* (from pulp US publisher Red Seal, 1952) to *Love Me Sailor*. It had a similar scenario with two women on a ship of sex-crazed sailors. 'Cheap and nasty' said Scales and the Board banned it on March 10, 1955.
48. NAA C4419 'Reviews submitted to Dr L H Allen, Appeal Censor & Chairman, Commonwealth Literature Censorship Board'.
49. NAA A3023 Folder 1958.
50. Murray-Smith, "'Borstal Boy" and the Censors' 42–43.
51. NAA A3023 Folder 1958.
52. NAAC4371 Item 65.
53. Kenneth Binns, Letter, *SMH* May 30, 1960. Cf. Coleman, *Obscenity, Blasphemy, Sedition*, 37.
54. Beasley, *Red Letter Days*, 131.
55. McKernan, *A Question of Commitment*, 51–53.
56. Beasley, *Red Letter Days*, 133.
57. Keith Richmond, 'The Occult: Rare Books exhibition', Monash University 1998. <http://www.lib.monash.edu.au/exhibitions/occult/xocccat.html>; Coleman, *Obscenity, Blasphemy and Sedition* 66–67.
58. McKernan, *A Question of Commitment*, 55–57.
59. Qtd Watson, *Brian Fitzpatrick*, 201.

Everything you could expect for a quarter

1. Donahue, 'Forever Forever', 45.
2. NAA A3023 Folder 1945/1947.
3. NAA A3023 Folder 1945/1947.
4. Karolides, Bald and Sova, *100 Banned Books* 291. Cf. Showalter, 'Emeralds on the Home Front', np.
5. NAA A3023 Folder 1945/1947.
6. Showalter, 'Emeralds on the Home Front', np.
7. Jarvis, 'Morality and Literary Realism', 409.
8. 'This count is of titles recorded in Customs' card indices from the early 1930s to 1973: NAA C4129 and C4130. See later in this chapter and the introduction to *Banned in Australia* for more details.
9. Winsor, *Forever Amber*, 600–601.
10. Norberg, 'The Libertine Whore', 38–9.
11. DeJean, *The Reinvention of Obscenity*, 57.
12. McCalman, *Radical Underworld*, 223.
13. Gelder, *Popular Fiction*, 46.
14. Hennings, 'Good Books Never Die', 174, Weaver, 'What do Students Read?' 411–413.
15. L. H. Allen Papers, NLA MS 2113.
16. NAA A3023, Folder 1945/1947.
17. *SMH* 2 Aug 1945.
18. *Daily Telegraph*, 1 Aug 1945.
19. *SMH* 4 Aug 1945.
20. NAA A3023 Folder 1945/1947.
21. NAA C4419.
22. Perry, *The Indecent Publications Tribunal*, 36; Karolides, Bald and Sova, *100 Banned Books*, 291.
23. NAA C4419.
24. NAA C4129.
25. "'Forever Amber" Next Popular to Bible in US', *SMH* May 6 1946, 1.
26. NAA C4129.
27. A. Hope Hewitt Papers, NLA MS6583.
28. NAA C4129.
29. Communication from Customs historian Kerry Hannan.
30. Cf. entry on *Man* in *AustLit*.
31. *Playboy* <http://www.playboy.com/worldofplayboy/faq/firstissue.html#1>.
32. NAA C4129.

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33. NAA C4129; Campbell and Campbell, *The Liberating of Lady Chatterley*, 34.
34. NAA C4371/1 Box 5 Folder 68.
35. Girodias, 'More Heat than Light', 128.
36. Regulation under the *Customs Act* 1901–1938, notified in the *Commonwealth Gazette* 26 May 1938.
37. Gelder, *Popular Fiction* 58; Johnson-Woods, *Pulp* 3.
38. Hajdu, *The Ten-cent Plague*, 59.
39. Gordon, 'From *The Bulletin* to Comics'.
40. Hajdu, *The Ten-cent Plague*, 63.
41. Coleman, *Obscenity, Blasphemy and Sedition*, 178. He presents no evidence or source for this number.
42. T. W. White papers, NLA MS 9148. Folder 'Book Censorship'; Coleman, *Obscenity, Blasphemy and Sedition*, 184–87.
43. Cf. White, 'Combating Cultural Aggression', 280–281.
44. Cultural Defence Committee, *Mental Rubbish from Overseas*; Cf. Coleman *Obscenity, Blasphemy and Sedition* 184, with no source.
45. Hajdu, *The Ten-cent Plague*, 25, 28–30.
46. Cultural Defence Committee, *Mental Rubbish From Overseas*, 28; White, 'Combating Cultural Aggression' 280.
47. NAA C4480 Item 23, 'Commonwealth of Australia records about importation of prohibited publications and letters about censorship'; Coleman, *Obscenity, Blasphemy and Sedition*, 189–190.
48. NAA C4480 Item 23 'Commonwealth of Australia records about importation of prohibited publications and letters about censorship', Folio 'Prohibition of the Importation of Undesirable Literature' 11.5.38.
49. Berlant, *The Queen of America Goes to Washington City*, 6.
50. Thompson, *Moral Panics*.
51. NAA A425 Item 1938/7986 'Prohibited Publications (General)'; Qtd in Doig 'Horror Literature and Censorship', 235.
52. Coleman, *Obscenity, Blasphemy and Sedition*, 190.
53. NAA A425 Item 1938/6279 'Prohibited Publications "Terror Tales" and others as listed'; Cf. Doig 'Horror Literature and Censorship', 225.
54. Gelder, *Popular Fiction*, 57–58.
55. Gelder, *Popular Fiction*, 62.
56. Orwell, 'Raffles and Miss Blandish', np.
57. Travis, *Bound and Gagged*, 98.
58. NAA A3023 Folder 1939.
59. Report in *The Bookseller*, April 23, 1942, from John Fraser's Found Pages, <http://www.jottings.ca/john/kelly/contents.html>.
60. NAA A3023 Folder 1941–1944; NAA C4129.
61. NAA C4129.
62. NAA A3023 Folder 1950.
63. Doig, 'Horror Literature'.
64. NAA A3023 Folder 1939.
65. Cochran, *America Noir*; Strange and Loo, *True Crime, True North*.
66. Brannigan, 'Crimes from Comics', 23–41; Finnane, 'Censorship and the Child', 220–240; Cf. Craig, *The Banned Books of England and other Countries*, 133.
67. Senator McLeay, *Hansard*, Senate, 1 Dec. 1939. Cf. 114. Johnson-Woods, 'Pulp Friction', 114.
68. NAA A463/17, Item 1956/1124 'Control of Undesirable Literature Policy'.
69. Johnson-Woods, 'Pulp Friction', 115–116.
70. Johnson-Woods, *Pulp*, 8.
71. Strange and Loo, *True Crime, True North*, 2–3.
72. Finnane, 'Censorship and the Child', 224.
73. Hajdu, *The Ten-cent Plague*; Brannigan, 'Crimes from Comics', 24; Finnane, 'Censorship and the Child', 239–40.
74. Bartlett, 'Culture and Comics', 5.
75. NAA C3059 Box 139.
76. Qld State Archives, Series 13419, Item 20328, Justice Dept., 'Objectionable Literature Bills and Related Papers'.
77. Sullivan, *The Politics of Sex*, 57.
78. Barlett, 'Culture and Comics', 6–8; Cf. Finnane, 'Censorship and the Child', 221.
79. NAA C4127; NAA A463/17 Item 1956/1124 'Control of undesirable literature – Policy'.
80. Thompson, *Moral Panics* 8.
81. White, 'Combating Cultural Aggression'; Cf. Finnane, 'Censorship and the Child', 224.
82. Thompson, *Moral Panics* 9.
83. Cf. Finnane, 'Censorship and the Child', 221.

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84. Finnane, 'Censorship and the Child'; Brannigan, 'Crimes from Comics'; Murphy, *Imagining the Fifties*.
85. NAA A463/17 Item 1956/1124 'Control of undesirable literature – Policy'.
86. NAA C4129
87. NAA C4129.
88. Sabin, *Adult Comics*, 23–35.
89. NAA A425 1962/15683 'Organisation – Literature Censorship Board – NSW'.
90. NAA A463/17 Item 1956/1124 'Control of undesirable literature – Policy'.
91. NAA A463/17 Item 1956/1124 'Control of undesirable literature – Policy'.
92. NAA A463/17 Item 1956/1124 'Control of undesirable literature – Policy'.
93. *The Sun* Dec 19, 1951, 21.
94. 'New Obscenity Bill Could Put People "Out of Business"', *SMH* 4 April 1955; 'Opposition's Protest Over Government Haste in Debating "Obscenity Bill"', *SMH* 5 April 1955.
95. Cf. Roderick, 'Obscenity in Literature', 138.
96. *The Sun-Herald*, Nov 11, 1956, 26.
97. NAA A463/17 Item 1956/1124 'Control of Undesirable Literature' Part 1 – copies of the legislation were forwarded to the Office of the Prime Minister; Cf. *The Sun-Herald*, Nov 11 1956, 26; Fox, *The Concept of Obscenity*, 63; Wilson, 'The Censorship of Writing' 169–70.
98. Population figures derived from Robson and Roe, *A Short History of Tasmania*.
99. Christensen, 'Comment: The Law Grapples with Koka-Kola Kulture', 154.
100. Finnane, 'Censorship and Conservatism'; Finnane 'Censorship and the Child'.
101. Shiell, 'Home-grown Heroes and Local Landscapes', 55, 64.
102. 'But you can buy it here', *Sun* 22 July 1960; 'Censorship at home and abroad' *SMH* 23 Sept 1960.
103. NAA A3203 Folder 1956.

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1. NAA C4480 Item 23 'National Literature Board of Review, correspondence on censorship and legislation'.
2. This information is evident from the correspondence of the Literature Censorship Board NAA A3023, while provide entries in the *Australian Dictionary of Biography* biographical details.
3. Day, *Contraband and Controversy*, 299.
4. NAA C4419; NAA A425 1962/15683 'Organisation – Literature Censorship Board – NSW'.
5. Day, *Contraband and Controversy*, 299.
6. NAA C3023 Folder 1957.
7. NAA C4480 Item 23 'National Literature Board of Review, Correspondence on censorship and legislation'.
8. NAA C4129.
9. NAA C4480 Item 23 'National Literature Board of Review, Correspondence on censorship and legislation'.
10. Roth vs United States 354 U.S. 476 (1957); de Grazia, *Girls Lean Back Everywhere* (xii); Kendrick, *The Secret Museum*; Williams, *Hard Core*.
11. de Grazia, 'How Justice Brennan Freed Novels', 263–64; Cf. Glass, 'Redeeming Value', 353.
12. Glass, 'Redeeming Value', 351–2.
13. Travis, *Bound and Gagged*, 124.
14. Sullivan, *The Politics of Sex*, 77; NAA C4371 Box 4 Folder 52.
15. NAA C4129/1 Box C.
16. 'Withdrawal of Book attacked by M.P.' *SMH* 3 Oct 1957.
17. In extrapolations somewhat typical of censorship history, this report has been elaborated by various sources so as to imply that the US Ambassador donated the actual copy confiscated from the Parliamentary Library, while there are other extrapolations as well. US historians Karolides, Bald and Sovo go so far as to declare that Australian Customs seized a shipment of copies of the novel which had arrived as a gift to the Australian government from the US Ambassador (*100 Banned Books*, 366). This was not the case.
18. *SMH* 20 Sept 1957; *SMH* 21 Sept 1957; Clipped NAA C3039 Box 139.
19. *Sun Herald* 25 Sept 1957; Clipped NAA C3039 Box 139.
20. 'Dean of Melbourne Attacks Book Ban', *SMH* 30 Sept 1957.
21. *Sun* 25 Oct 1957; *SMH* 26 Oct 1957; *Bulletin* 30 Oct 1957; Clipped NAA C3039 Box 139.
22. NAA C4480 Item 23 'National Literature Board of Review, Correspondence on censorship and legislation'.
23. Coleman, *Obscenity, Blasphemy and Sedition*, 36.
24. Stewart, 'The Red Page', 2.
25. NAA C4371 Item 51 'Reports for cyclical review[s] and lists of publication for Gazettal'; A. Hope Hewitt papers, NLA MS 6583, Box 3.

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26. NAA C4480 Item 23 'National Literature Board of Review, Correspondence on censorship and legislation'.
27. Fitzpatrick, 'A Spring Cleaning for Australian Censorship', 25.
28. Murray-Smith, 'Censorship and Literary Studies', 84.
29. *Daily Mirror*, 3 July 1963; Clipped NAA 3059/1 Box 139.
30. Lord, *Hal Porter*, 160–161.
31. *Hobart Mercury* 7 Nov, 1963.
32. '£1000 Award to Author in Libel Suit' *SMH* 19 Dec 1964.
33. Fricke, *Libels, Lampoons and Litigants*, 155–57.
34. Rowe, 'No-one but I will Know', np.
35. *SMH* Jan 14, 1989; Qtd Pollack, *Sense and Censorship*, 382.
36. Wallace-Crabbe, 'Poetry and Modernism', 227.
37. Qtd in Dutton, 'Intellectual Pornography', 388.
38. NAA A425 Item 1963/14566 'Publication – "Penguin Book of Modern Australian Verse"'; Cf. 'Ginger, you're barmy', np.
39. Campbell and Campbell, *The Liberating of Lady Chatterley*, 26.
40. NAA A3023 Folder 1951–1952.
41. Dale, *The English Men*, 59–50, 68, 77.
42. Stephenson, *Capital Women*, 23. Thanks to Tim and Max Ellis for further information and for forwarding their mother's notebook.
43. A. Hope Hewitt Papers NLA MS6583.
44. Caesar, *Kenneth Slessor*, 102.
45. *The Sun*, 12 December 1920; Qtd Dutton, *Kenneth Slessor*, 50.
46. *Australian Outline* December 1933; Qtd Dutton, *Kenneth Slessor*, 126–7.
47. Caesar, *Kenneth Slessor*, 109.
48. NAA C4371 Item 51 'Correspondence of the Chairman of the National Literature Board of Review'.
49. NAA C4371 Item 51 'Correspondence of the Chairman of the National Literature Board of Review'.
50. Coleman, *Obscenity, Blasphemy and Seditious*, 68.
51. Phillips, 'Confessions', 508–09.

Because they were white, baby, and they ruled the world

1. Cohen, 'Liberalism, Libido, Liberation', 201.
2. Cohen, 'Liberalism, Libido, Liberation', 201; Corber, 'A Negative Reaction to One's Culture', 160.
3. Dievler, 'Sexual Exiles', 163.
4. Cohen, 'Liberalism, Libido, Liberation', 216.
5. Edelman, *Homographesis*, 54.
6. Peter McDonald's database of banned South African publications is the most reliable record but is not complete: <http://www.theliteraturepolice.com/database/>. *The Beacon For Freedom of Expression* database contains 14,000 entries relating to South Africa but is also not complete: http://www.beaconforfreedom.org/search/censored_publications/index.html
7. Perry, *The Indecent Publications Tribunal*, 82–89, 99; 'Censors challenge N. Z. Parliament', Clipped NAA C3059 Box 139.
8. NAA C4371.
9. NAA A425/84 Item 1964/1234 'Prohibited Publication – Another Country Seizure – Mr G Whitlam – ACT'; Cf. Day, *Contraband and Controversy*, 338.
10. Coleman, *Obscenity, Blasphemy and Seditious*, xiv.
11. Gott, 'Obscenity, Blasphemy, Seditious', 37.
12. 'Author Banned Again.' *Canberra Times*, 8 Jan 1965; NAA C3059 Box 139.
13. NAA C4371 Item 51 'Reports for cyclical reviews and lists of publications for Gazetall'; NAA C3059 Box 139; NAA C4419.
14. Clippings from NAA C3059 Box 139.
15. *Time* June 1963, 53. NAA C4371/1 Item 50 'Newspaper cuttings and reports and notes of Professor Bryan to the National Literature Board of Review'.
16. Simmy, 'A Case of Censorship', 21–22.
17. NAA C4129.
18. NAA C4371 Item 51 'Reports for cyclical reviews and lists of publications for Gazetall'.
19. NAA C4371 Item 51 'Reports for cyclical reviews and lists of publications for Gazetall'.
20. NAA C4371 Item 51 'Reports for cyclical reviews and lists of publications for Gazetall'.
21. 'This Australia: A Round-up of 1964 – A Year's "Corruption" from "The Group" to "Oz"'. *Bulletin* 26 Dec 1964.
22. Press Release, 1960; Clipped in NAA C3059 Box 139.

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23. NAA C4419.
24. NAA A3023 Folder 1957.
25. 'Asians Keep Out!' *Time* Dec 20, 1963.
26. Fuller, 'Contemporary Negro Fiction', 235.
27. Copied for the Sydney Customs Office by the University of New England Librarian, 14 Aug 1963; Clipped NAA C3059 Box 139.
28. Clipped NAA C3059 Box 139.
29. Simmy, 'A Case of Censorship', 22.
30. Harris, 'The Decaying World of Senator Henty', 21.
31. Collinson, 'Another Country', 23.
32. Arondekar, 'Without a Trace', 16.
33. NAA C4371.
34. Larkin, 'Annus Mirabilis', 167.
35. A. Hope Hewitt Papers NLA MS6583.
36. A. Hope Hewitt Papers NLA MS6583.
37. NAA A4940/1 Item C3263 "'Lady Chatterley's Lover'" by D. H. Lawrence – Release in Australia'.
38. NAA A4940/1 Item C3263 "'Lady Chatterley's Lover'" by D. H. Lawrence – Release in Australia'.
39. NAA A4940/1 Item C3263 "'Lady Chatterley's Lover'" by D. H. Lawrence – Release in Australia'.
40. NAA A4940/1 Item C3263 "'Lady Chatterley's Lover'" by D. H. Lawrence – Release in Australia'.
41. 'Lady Chatterley's Fate', *Sunday Mirror* Jan 29, 1960, 10; Clipped NAA C3059/1 Box 139.
42. 'Lady C's Door Shut', *Sun* 22 Feb 1961; Clipped NAA C3059/1 Box 139.
43. 'Gate Slammed Again on Lady Chatterley' *Sunday Mirror* Feb 19, 1961; Clipped NAA C3059/1 Box 139.
44. "'Lady Chatterley" and the Press' *The Catholic Weekly*, Mar 2 1961; Clipped NAA C3059/1 Box 139.
45. *Daily Telegraph*, June 26, 1961; Qtd in Coleman, *Obscenity, Blasphemy and Sediton*, 39.
46. Murray-Smith, 'The Lady Chatterley Case', 21.
47. 'New Row on the Lover!' *Sun* Feb 23 1961; Clipped NAA C3059/1 Box 139.
48. NAA A490/1 Item C4178 "'The Trial of Lady Chatterley'" by RALPH, CH – Release in Australia'.
49. NAA A490/1 Item C4178 "'The Trial of Lady Chatterley'" by RALPH, CH – Release in Australia'.
50. NAA A490/1 Item C4178 "'The Trial of Lady Chatterley'" by RALPH, CH – Release in Australia'; Campbell and Campbell, *The Liberating of Lady Chatterley*, 31.
51. Murray-Smith, 'Censorship and Literary Studies', 87.
52. 'Plan to Print Banned Book', *Daily Telegraph*; Clipped NAA C3059/1 Box 139.
53. 'Customs may lift ban on "Lady"', *Canberra Times*, 22 April 1965; Clipped NAA C3059/1 Box 139.
54. 'This book sells out in minutes', *Perth Daily News*, 8 May 1965; Clipped NAA C3059/1 Box 139.
55. NAA A490/1 Item C4178 "'The Trial of Lady Chatterley'" by RALPH, CH – Release in Australia'.
56. Campbell and Campbell, *The Liberating of Lady Chatterley*, 31.
57. NAA A490/1 Item C4178 "'The Trial of Lady Chatterley'" by RALPH, CH – Release in Australia'.
58. 'More Book Bans to Go', *The Australian*, 21 May 1965; "'Lady" can be Sold Freely.' *The Australian*, 22 May 1965; Clipped NAA C3059/1 Box 139.
59. NAA C4371 Box 4 Folder 52.

Porno-politics

1. NAA C4371 Box 1 Folder 8 'Professor Bryan Administration 1973'.
2. Altman, 'The Politics of Cultural Change', np.
3. *Australian* 1971. Clipped in NAA A6119 Item 3692 Dennis Altman ASIO file.
4. Fitzgerald *A History of Queensland: From 1915 to the 1980s*, 597–9, qtd in Gerster and Bassett, *Seizures of Youth*, 14.
5. Bacon, 'Sex and Censorship', np.
6. Cf. Docker, *Australian Cultural Elites*, 147–150; *John Anderson Archive* <http://setis.library.usyd.edu.au/anderson/index.html>.
7. Bacon, 'Sex and Censorship', np.
8. NAA A6119, Item 3706 Wendy Bacon ASIO file, Volume 1.
9. Sullivan, *The Politics of Sex*, 79.
10. *SMH* 29 Sept, 1969; Sullivan, *The Politics of Sex*, 79.
11. Strong and Strong, *Mr Chipp and the Porno-Push*.
12. *Hansard* House of Representatives Vol. 68 (1970): 3372–76.
13. A verso of the poster 'The War is Obscene' is held in the Australian War Memorial. See *Picture Australia* ID no ARTVO3063.
14. 'This Australia: A Round-up of 1964 – A Year's "Corruption" from "The Group" to "Oz".' *Bulletin* 26 Dec 1964.
15. ABC, 'Four Corners – "Interview on Censorship"', Telecast 21-3-64; Script NAA C1300 Box 1 Folder 14.3.1969–30.5.1964.

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16. 'Question without Sex', *Sun Herald*, 13 Dec 1964.
17. Murray-Smith, 'Censorship and Literary Studies', 86.
18. McAuley and Horne, 'Notes', 3.
19. Cf. 'Professor's Books', *Bulletin*, 5 Dec 1964.
20. 'Varsity Men Can't Get Their Books', *Australian* 10 Dec 1964; 'Customs Bans Varsity Books', *The West Australian* 9 Dec, 1964.
21. Qtd in Roderick 'Obscenity in Literature', 130–131.
22. Neville, *Hippie Hippie Shake*, 51.
23. Dutton, *The Innovators*, 226.
24. Forde, 'Monitoring the Establishment', 120.
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Book Censorship Board

"Keep the Aspidochelone Flying"
by George Orwell.
Victor Gollancz Ltd

As to being sent, - I consider
it irrelevant. I would like

M.G.
29.7.36

A very dull piece of work. I agree that it is
frequently indecent & on those grounds
could well be banned. At the same time, I
do not think it possesses interest sufficient
to make it a harmful book.

5.10.36. *[Signature]*

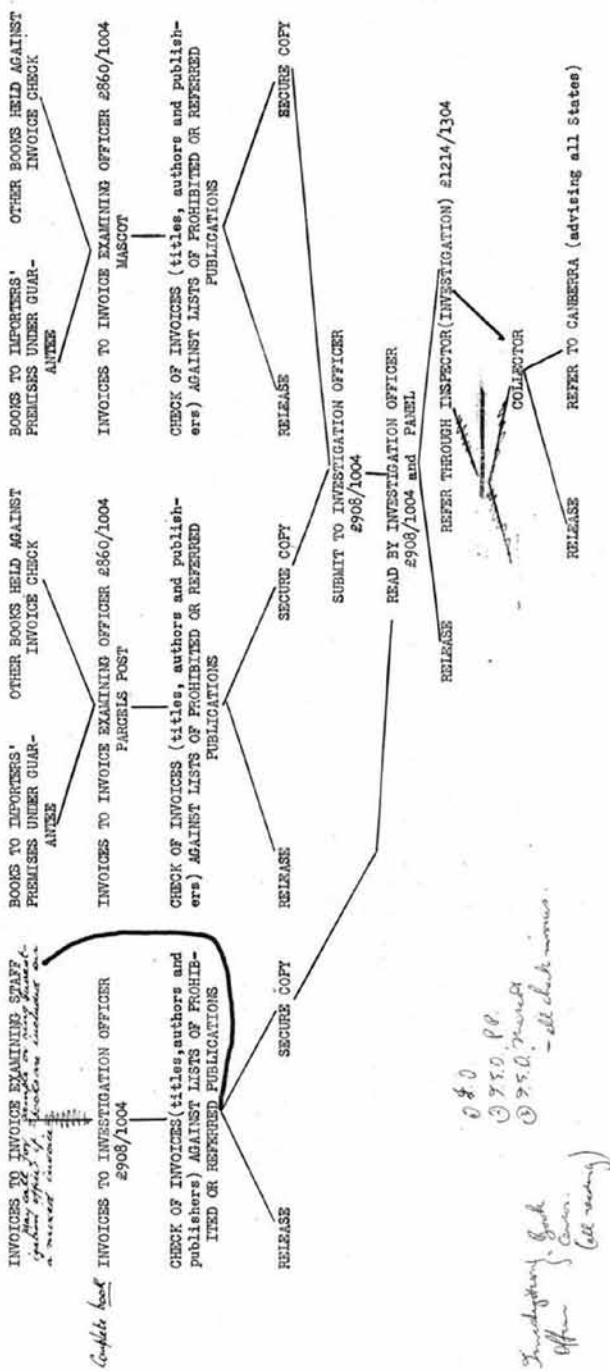
I think the book has considerable merit. It has
courage, but not vicious, passages; and I would have
been prepared to pass it. *[Signature]* 10.11.36
But, at the same time, I feel bound to say that there are
too many passages, the fantasied indications scene, and the hotel debated
scene, which are not necessary to the development of the story, and
which may cause needless offence.

Report from Book Censorship Board on Orwell's *Keep the Aspidochelone Flying*, 1936. [NAA A3023 Fld 1935/36]

No.	Publication	Board's Recommendation.	Minister's decision.
	(a)	(b)	(c)
1	✓ "Dubliners".	Release	Release
2	✓ "The Crusader's Key".	Release	Release
3	✓ "A Cure of Flesh".	Release	Release
4	✓ "Fifty years in the Church of Rome".	Release	Release
5	✓ "The Magnificent".	Prohibit	Prohibit
6	✓ "Passion in Algiers".	Prohibit	Prohibit
7	✓ "Oil".	Release	Release
8	✓ "For Women Only".	Prohibit	Prohibit
9	✓ "Mariage en Pyjama".	Prohibit	Prohibit
10	✓ "Behind the Barrage".	Release	Release
11	✓ "La Vie Parisienne".	Prohibition not recommended.	Prohibit
12	✓ "Prophecy".	Release	Release
13	✓ "The Bull Calf".	Release	Release
14	✓ "Stay of Execution".	Prohibit	Prohibit
15	✓ "Alexanderplatz".	Prohibit	Prohibit
16	✓ "Rowena Goes Too Far".	Prohibit	Prohibit
17	✓ "Design for Living".	Release	Release.
18	✓ "Stallion".	Release	Release
19	✓ "The Seventh Commandment".	Prohibit	Prohibit
20	✓ "Anthony Adverse".	Release	Release
21	✓ "The Pastoral Loves of Daphnis and Chloe".	Release	Release
22	✓ "The Hindu Art of Love".	Prohibit	Prohibit
23	✓ "The Delicate Fire".	Release	Release
24	✓ "Moll Flanders".	Release	Prohibit X (see note)
25	✓ "The Fortunate Mistress".	Release	Prohibit X (see note)
26	✓ "Razzle".	Prohibit	Prohibit
27	✓ "Thas Bright Summer".	Prohibit	Prohibit
28	✓ "Nudism in Modern Life".	Release	Prohibit X
29	✓ "Thirteen Men".	Prohibit	Prohibit
30	✓ "Thirteen Women".	Prohibit	Prohibit
31	✓ "They Winter Abroad".	Prohibit	Prohibit
32	✓ "No bed of her own".	Prohibit	Prohibit
33	✓ "Sex Problems in India".	Release	Prohibit X
34	✓ "L'Oeuvre du Marquis de Sade".	Release	Release
35	✓ "Reckless Hollywood".	Release	Prohibit X
36	✓ "The Partners".	Prohibit	Prohibit
37	✓ "Red Virtue".	Release	Release
38	✓ "Commonsense About Sex".	Prohibit	Prohibit
39	✓ "S.S. Utah".	Prohibit as seditious	Prohibit as seditious
40	✓ "Smokehouse Monthly".	Prohibit	Prohibit
41	✓ "Hogey".	Prohibit	Prohibit
42	✓ "Captain Billy's Whiz Bang".	Prohibit	Prohibit
43	✓ "Wives & Men."	Prohibit	Prohibit
44	✓ "New York Madness".	Prohibit	Prohibit
45	✓ "Adam & Two Eves".	Prohibit	Prohibit
46	✓ "Painted Mischief".	Release	Prohibit X
47	✓ "Go Merry".	Prohibit	Prohibit
48	✓ "Replenishing Jessica".	Prohibit	Prohibit
49	✓ "Week-End Cruise".	Prohibit	Prohibit
50	✓ "Sleeveless Errand".	Release	Release
51	✓ "Nell in Bridewell".	Release	Release
52	✓ "Upsurge".	Prohibit	Prohibit
53	✓ "First Passion".	Release	Release
54	✓ "Journey to the End of the Night."	Release	Release
55	✓ "See How They Run".	Release	Release
56	✓ "She Done Him Wrong (Diamond Lil)".	Prohibit	Prohibit
57	✓ "Sweet Man".	Release	Release
58	✓ "Paris Music Hall".	Prohibit	Prohibit

* as book "Moll Flanders" was on prohibited list for a number of years it was decided not to disturb the position.

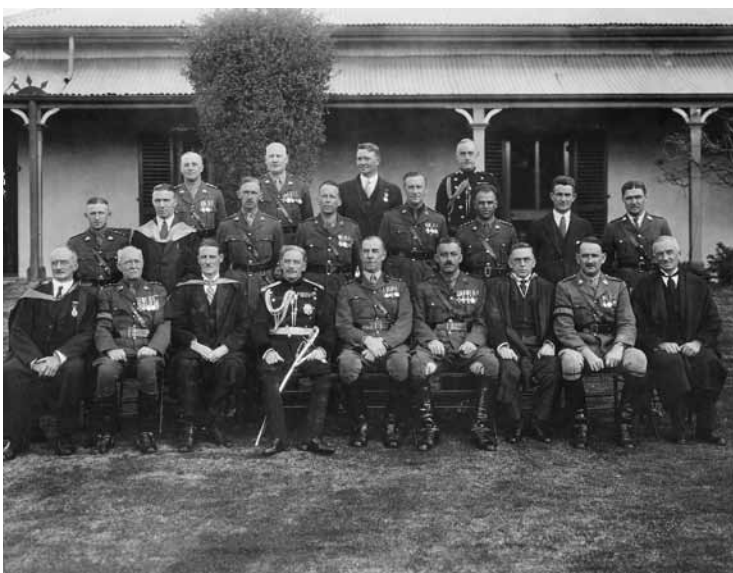
NEW SOUTH WALES



'Shipping, Air and Parcel Post': Trade and Customs flow-chart of censorship processes, mid-1950s. [NAA A425 1962/15683, 'Appendix A']



Sir Robert Garran, Chairman of the Book Censorship Board 1933–1937 and Appeal Censor from 1937 until his death in 1957. ABC publicity photograph, late 1950s. [NAA SP1011/1 Item 2051]



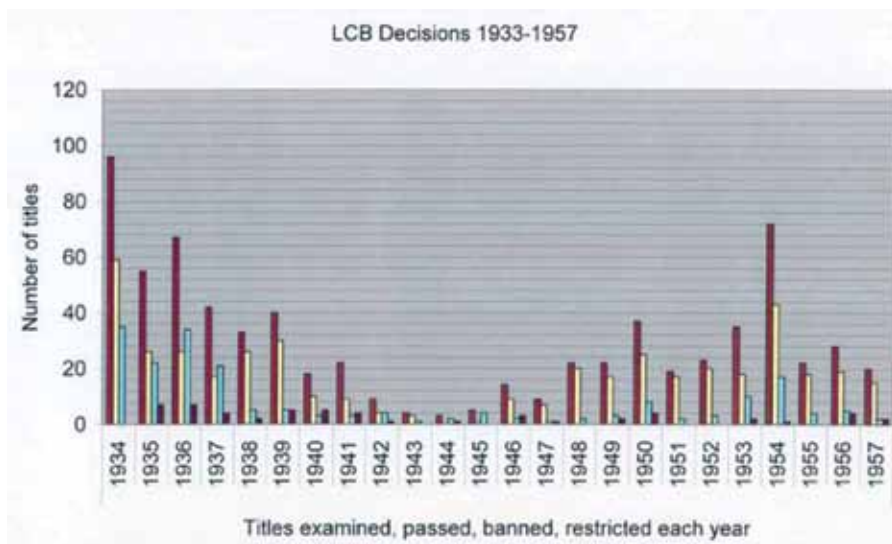
J.F. Meurisse Haydon, Professor of Languages (front row, third from left), and Dr. L.H. Allen, Professor of English (front row, third from right), at RMC Duntroon, on the occasion of a visit by the Governor General, Canberra, 1929 or 1930. [Australian War Memorial]



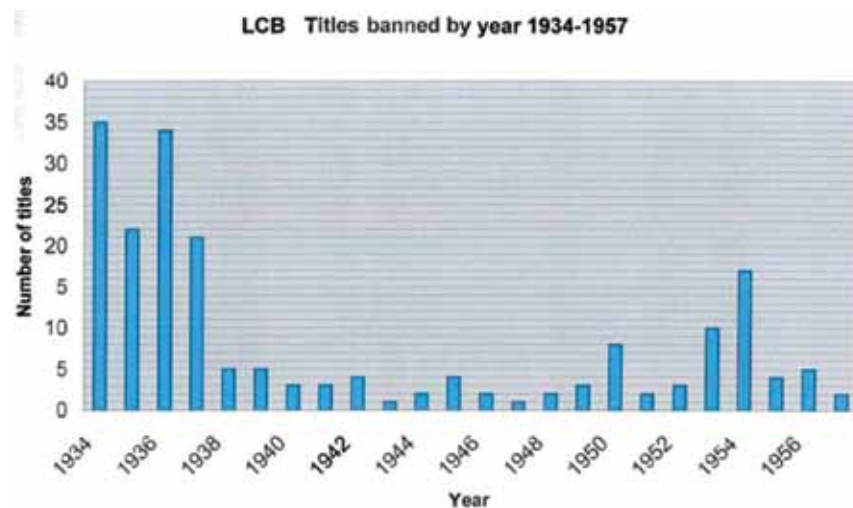
Left: 'Dr L.H. Allen, Australia's Newly Appointed Appeals Censor.' *Daily Telegraph*, September 1957. Right: Kenneth Binns, Librarian National Library, 1927-1947. Member of the Literature Censorship Board from 1937 and Chairman from 1957-1964. [1953 portrait by Max Dupain, Courtesy NLA]



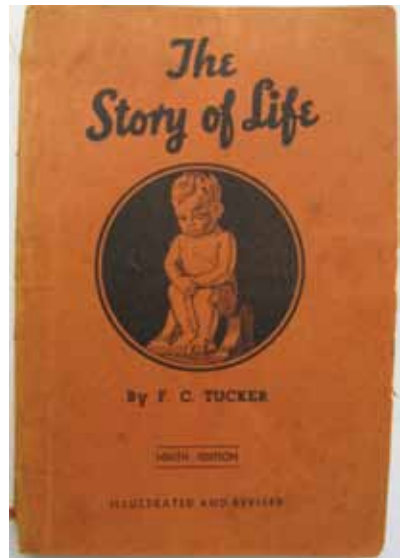
A. Hope Hewitt (Lady Hewitt), Senior Lecturer in English at Canberra University College. Member of the Literature Censorship Board from 1960-1967 and Deputy Chairman of the National Literature Board of Review, 1967-1973. [Courtesy SMH]



Books reviewed by the BCB and LCB 1933–1957.



Books banned by the BCB and LCB 1933–1957.



F.C. Tucker's *The Story of Life* was absolved of obscenity charges in a NSW Court in 1937.
[Sydney: Tucker's Publications, 1942]



‘Senses as cause of sexual excitation’, from Dr Norman Haire’s best-selling *The Encyclopedia of Sex* 1938, marketed in Australia as ‘not to be sold to anyone under 18 years of age’. [Encyclopedic Press, London, reprint 1958]



‘The censor at work as he is seen by the press.’ Postcard, 1914.
[State Library of Victoria]



The censor’s library copy of Aldous Huxley’s *Brave New World* in brown paper, banned 1932–1937. [Chatto & Windus 1932, NAA C3059/2]

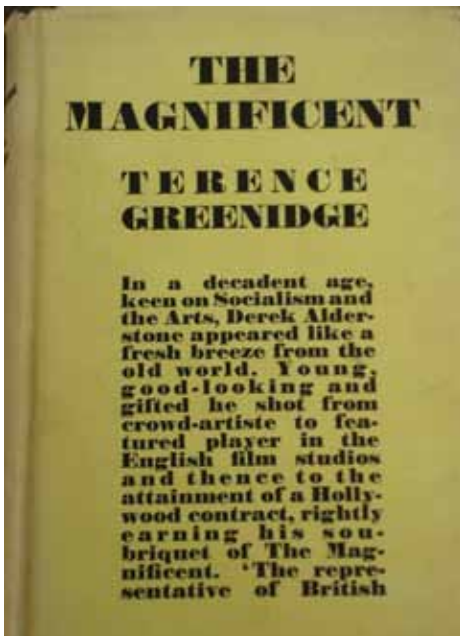
A visitor's hat obscures a Modigliani nude at the Herald Exhibition of French and British Contemporary Art, for the *Telegraph*, 22 November, 1939. A postcard of a similar Modigliani was assessed as obscene by the Literature Censorship Board in 1937.



The censor's library copy of James Joyce's *Ulysses* in brown paper, banned 1929–1937 and 1941–1953. [Shakespeare & Co. 1928 edition, 10th printing, NAA C3059/2]



A 1972 edition of Norman Lindsay's *Redheap*, banned 1930–1958, featuring Pamela Stephenson in a television adaptation. [Angus & Robertson, 1972]



Terence Greenidge's *The Magnificent*, banned for homosexuality by the Literature Censorship Board in 1933. [Fortune Books, 1933]

Beresford Egan's cartoon of a crucified 'St Stephen' or Radclyffe Hall, from *The Sink of Solitude*, The Hermes Press, Bloomsbury, 1928. [Courtesy Beresford Egan Estate]



Publication.		Author.	Publisher.		
WELL OF LONELINESS THE		Miss Radcliffe Hall RADCLIFFE	Hegarty Press, London		
Type of Publication	Referred to Board	Decision and Date	Collectors Advised	G.O.	T. and C.
Book	NO.	RELEASED Prohibit 1929 allow 15-8-39	17-8-39 52c	Sheet 104 13941	29-8-150 29-8-687 29/7388 46/3597
WELL OF LONELINESS The					

Customs index card for Radclyffe Hall's *The Well of Loneliness*, banned 1929, showing its complex history. [NAA C4129]



Nial Kent's *The Divided Path*, one of numerous titles from New York publishers Greenburg banned for homosexuality. [Greenburg 1949]



Jan Stacy's *Twilight House* – one of the banned lesbian pulp titles held in the censor's library. [Chicago Newsstand Library, 1960]



Love Me Sailor, an allegorical 1948 painting of the Close trial by Donald Friend, depicting Close in chains, the judge as a toad and angels in heaven reading banned books. [Permission from the Estate of the Late Donald Friend; image courtesy of the NLA]



Robert Close, author of *Love Me Sailor*, photographed by Albert Tucker at the Café Royal, Paris, in 1948–1949, after his conviction for obscene libel in Victoria in 1948. [© Barbara Tucker, Courtesy Barbara Tucker]

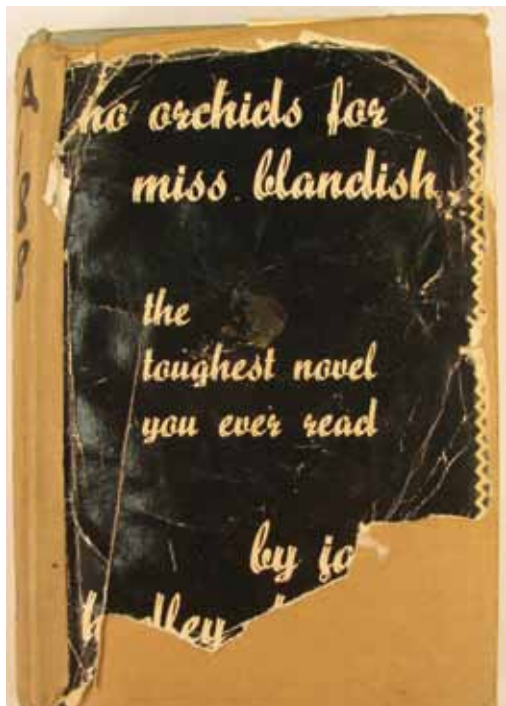


Horwitz Australia's 1960 paperback cover of Robert Close's *Love Me Sailor* [1946], released from its Customs ban that year.

An edition of banned French magazine *Voila*, 1934. [NAA C3059/2]



Battered censor's library hardcover of James Hadley Chase's banned crime novel *No Orchids for Miss Blandish*. [Jarrols London, 1939; NAA C3059/2]





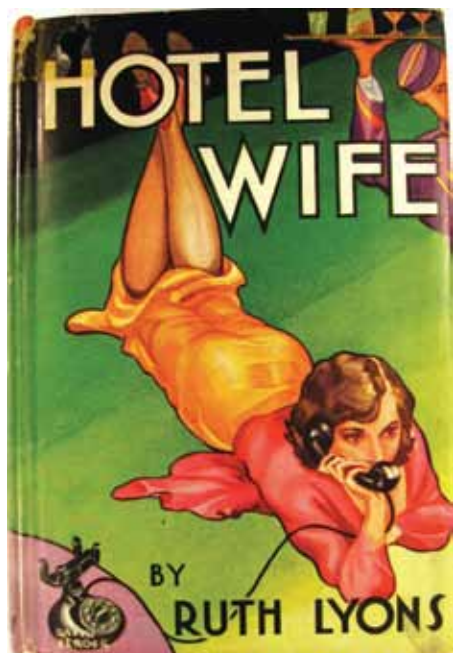
Film tie-in paperback edition of *No Orchids for Miss Blandish* with the censor's brown wrapping. [Avon Pocket, NAA C3059/2]



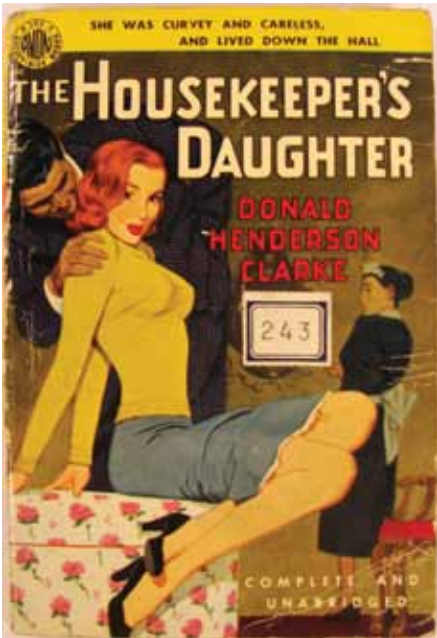
Darcy Glinto's *Lady - Don't Turn Over*, banned by the Literature Censorship Board in 1941. [Wells Gardner, 1940, NAA C3059/2]



A Bloody Sunrise by Mickey Spillane in the censor's library. [Signet, NAA 3059/2]



Ruth Lyons' *The Hotel Wife* was banned as a 'sex novel' in 1933. [Macaulay Co. 1933, NAA 3059/2]



'She was curvy and careless, and lived down the hall.' Donald Henderson Clark's *The Housekeeper's Daughter* was banned as 'typical' in May 1949 despite having been in print ten years. [Avon Pocket, NAA 3059/2]

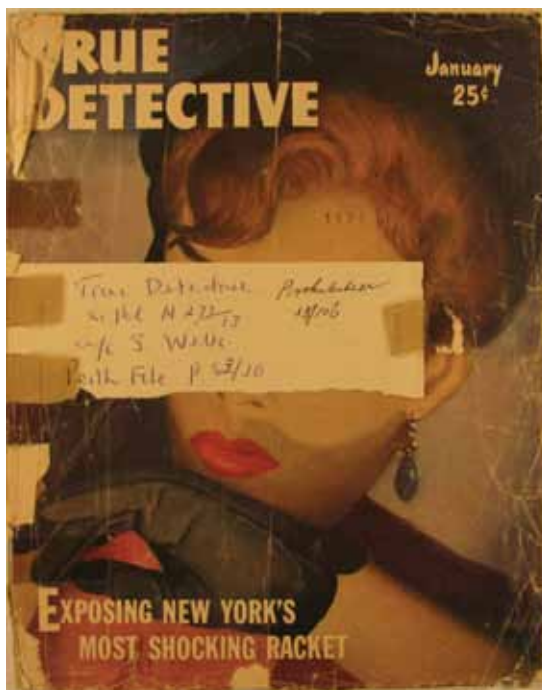


The cover of *Love in Dishevelment* by David Greenwood was described by one censor as 'unfit for public display'. [Fawcett, 1955]

Seminal horror magazine *Weird Tales* was defended by the Literature Censorship Board in 1939, after this and another issue were seized by Customs. [Vol 32 Issue 5, November 1938, Short Stories Inc. NAA C3059/2]



A 1954 issue of the long-running *True Detective* magazine with Customs directions. Publications details include the caveat: 'Not to be imported into Australia, New Zealand, Canada and the USA.'





The first issue of *Best Detective Cases*, banned by Customs in 1951. [NAA 3059/2]



True Confessions, a magazine for young women combining romance, sex and sensation. This issue was banned in January 1966. [Macfadden Bartell, NAA 3059/2]

‘I think he’s trying to convey a message!’ Comics like *Black Magic* blurred boundaries between adult and child readers. This British edition, avoiding tariffs restricting US titles, was banned in 1951. [Issue 5 1951, Prize – Crestwood Publishing USA, NAA C3059/2]



Blue Bolt Weird Tales of Terror – this title was published in Toronto, avoiding tariffs. [No 112, n.d., Bell Publishing, NAA C3059/2]





A hybrid science fiction-superhero comic, prohibited in 1951. [Avon, NAA C3059/2]



Illustrated war comic, prohibited
1952. [Vol 1 No 5, 1952, Atlas, NAA
C3059/2]



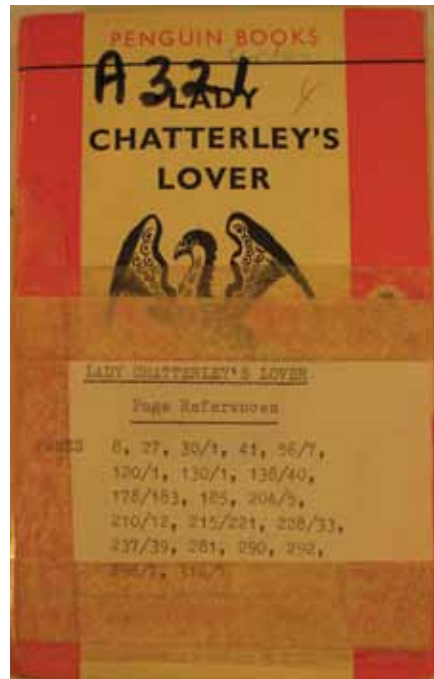
Superhero title, with inexpert
graphics. [No 1, 1952, Minoan, NAA
C3059/2]



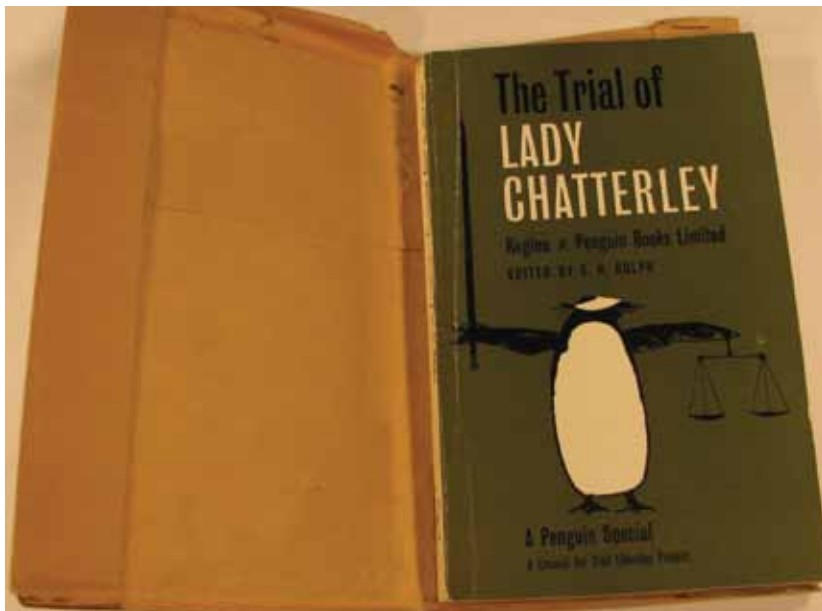
Men's magazines blurred with western comics and children's titles. [Vol 39 No 6, 1963, New Publications USA, NAA C3059/2]



'How humiliating! We must have missed all the deliciously exciting parts it was banned for.' George Molnar *The Catcher in the Rye* for the *Daily Telegraph*. [31 October 1957, NLA]



Penguin's 1960 English edition of *Lady Chatterley's Lover*, with Customs' page references for obscenities. [Penguin, NAA 3059/2]



Customs' copy of the Australian edition of *The Trial of Lady Chatterley's Lover*, with paper cover. [Penguin, Minderon, NAA 3059/2]

Lady Chatterley | THEY FLEW HER IN- IN BITS

Two Sydney businessmen Mr. Leon Fink and Mr. A. W. Sheppard, yesterday disclosed how they had brought the forbidden Lady Constance Chatterley into Australia.

They simply had her airmailed in piece by piece.

Mr. Fink is the Sydney publisher and Mr. Sheppard the Sydney distributor of The Trial of Lady Chatterley.

best the fact they are in England, and the book is not due to appear in Australia.

The Australian edition of the book, a volume and Mrs. Fink, the wife of the publisher, and the book is not due to appear in Australia.

Reprint
The book cannot appear in Australia until the book is not due to appear in Australia.

Juvenile
Mr. Sheppard's intention was to bring the book into Australia, but it was not due to appear in Australia.

No action
The Police Commissioner, Mr. Allen, said that the book is not due to appear in Australia.



■ The men who got Lady Chatterley together again... Mr. Leon Fink (left), the publisher, and Mr. A. W. Sheppard, the distributor, of the banned book.

ing a 'halt to England' when she came on and... The book cannot appear in Australia until the book is not due to appear in Australia.

They found their difficulty in getting the book into Australia after some of the book's pages had been refused by the... The book cannot appear in Australia until the book is not due to appear in Australia.

Mr. Sheppard's intention was to bring the book into Australia, but it was not due to appear in Australia.

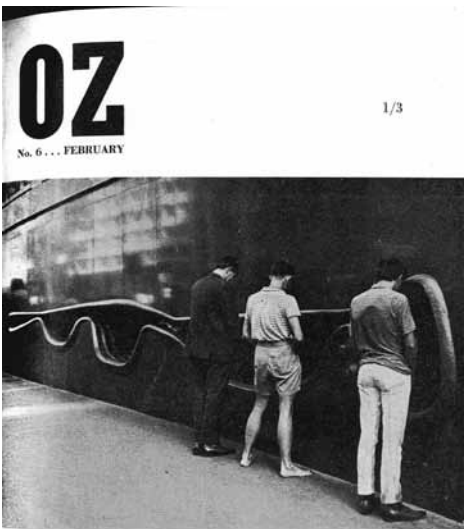
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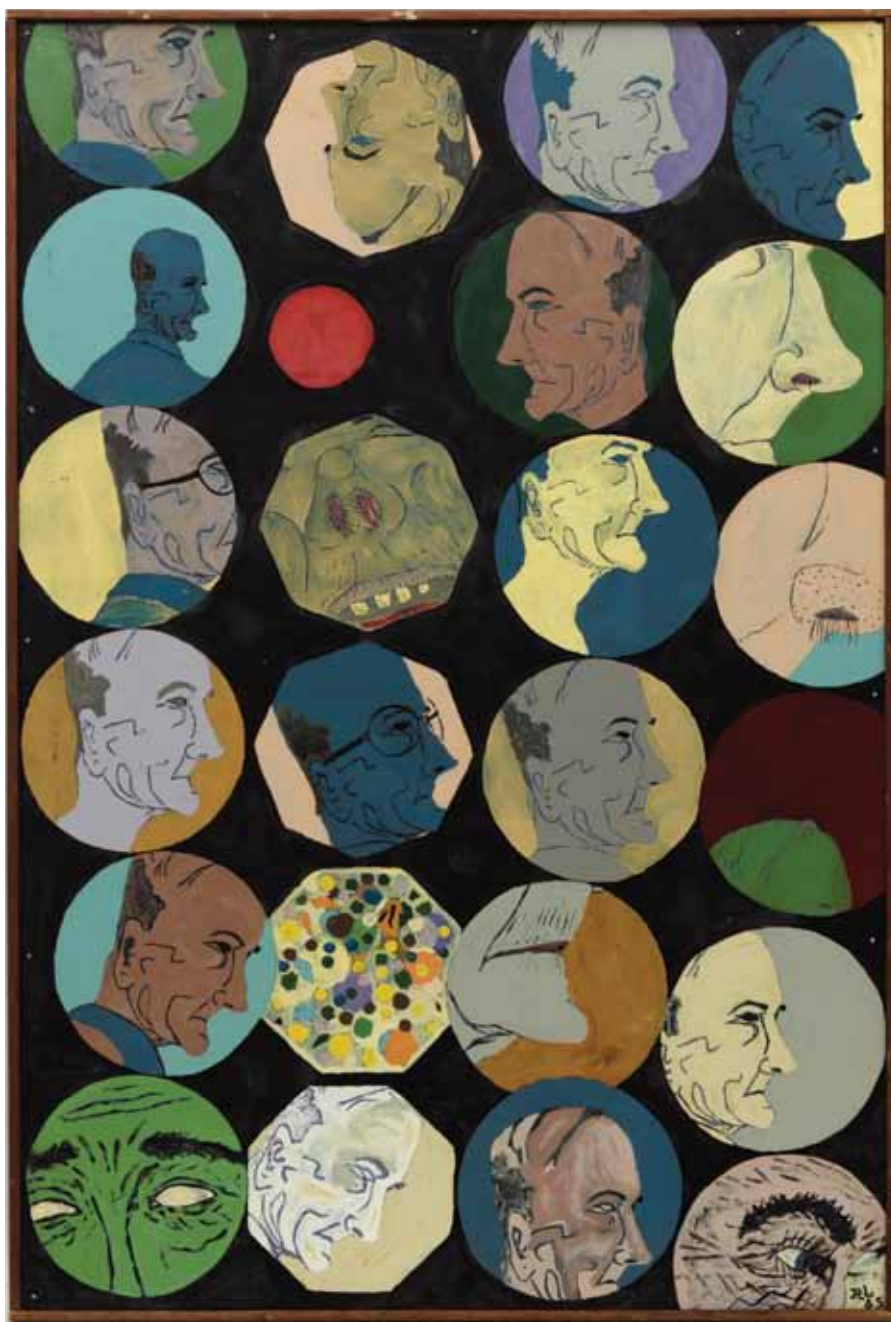
No action
The Police Commissioner, Mr. Allen, said that the book is not due to appear in Australia.

'They flew her in in bits': The *Sunday Mirror* reveals how Fink and Sheppard overcame the Customs ban on *The Trial of Lady Chatterley* for their Australian edition. [*Sunday Mirror* 18 April 1965]



On the corner of Hunter and Castlereagh Streets, Sydney, the P. & O. Shipping Line has completed its contribution to the Australian Ugliness—the P. & O. Building, officially opened by the Prime Minister in January. To alleviate the severe drabness of its sandstone facade, sculptor Tom Bass has set an attractive bronze urinal in the wall for the convenience of passers-by. This is no ordinary urinal. It has a continual flushing system and basins handily set at different standing heights. There is a nominal charge, of course, but don't worry, there is no need to pay immediately. Just P. & O. Pictured is a trio of Sydney natives P. & O'ing in the Bass urinal.

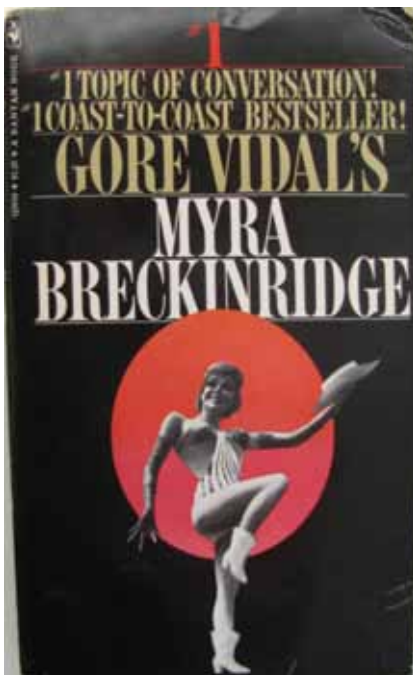
Cover of the prosecuted February 1964 Oz magazine issue featuring editor Richard Neville and two others seemingly urinating into Tom Bass' sculpture at the Sydney P&O Offices. [Courtesy Richard Neville]



Richard Larter, 'Mr No, the rat fink censor', 1965. Synthetic polymer paint on hardboard 90.6 × 61cm, Art Gallery of NSW, bequest of Patrick White. [© Richard Larter]



‘The war is obscene!’ For distributing posters with this image of the My Lai massacre, Sydney anti-war protesters were charged with issuing an obscene publication in May 1970. [Courtesy Australian War Memorial]



The US edition of Vidal's *Myra Breckenridge* was banned in 1968 – this is the best-selling Bantam paperback. [Bantam USA]

Dr. Altman
Hawaii
Dec. 13th 1968

With no advance advertising, no advance copies offered
to book reviewers, no advance publicity fanfare
—within two weeks of its hardcover publication—

GORE VIDAL'S
MYRA BRECKINRIDGE
became

- * A SKYROCKETING NATIONAL BESTSELLER!
- * THE SUBJECT OF HUNDREDS OF NEWSPAPER
AND MAGAZINE ARTICLES!
- * AND THE #1 TOPIC OF CONVERSATION
among celebrities, literary figures, columnists,
reviewers and readers from coast to coast!

NOW AVAILABLE FOR THE FIRST TIME IN PAPERBACK!
Here is Gore Vidal's most sensational bestseller—
"The Incomparable"

MYRA BRECKINRIDGE!

Levine
Altman v. Forbes
Plaintiff's Exhibit No. 8164/69
A.

After it was confiscated from politics lecturer Dennis Altman's post, this is the copy of *Myra Breckenridge* used in the court case he brought against Customs in 1970: 'Plaintiff's Exhibit A' in the court of Levine. [NAA C3059/2]

CRACKDOWN ON FILTH PEDLARS

By VINCE KELLY



MR GRIFFITH

THE State Government will crack down on the increasing stream of pornographic material being produced in New South Wales.

The Chief Secretary, Mr Ian Griffith, said today that fines and jail terms would be increased.

"Already, prosecutions are being prepared against two new locally produced mini-magazines that are merely trashy muck, depicting sex in the most debased form," Mr Griffith said.

NSW would meet with the Australian Government and other States, he said, to discuss censorship and hard-core pornography, on January 24. Meanwhile, the State Government plans to increase penalties under the Indecent Publications Act.

The Chief Secretary is expected to recommend a fine of \$1,000 or a jail term or both.

Mr Griffith said: "At the moment the only action we can take is against locally produced filth."

"We intend to fight this with extreme vigour. We have been inundated by complaints from every section of

BING CROSBY BETTER

AAP, NEW YORK, TUESDAY

BING CROSBY was reported in a satisfactory condition today after being taken to hospital with pleurisy.

He also had an inflamed condition of the membrane around the lungs.

Crosby, 69, entered hospital in San Francisco, yesterday.

He was reluctant to go, but agreed at the insistence of his wife Kathryn, according to family employees.

Alan Fisher, the family lawyer, said Crosby had been suffering back and chest pains for several days.

the community about material currently being sold in New South Wales," he said.

"Make no mistake about it — this is a red-hot issue.

"My Government is prepared to fight it to a finish, and I'm satisfied that the full weight of decent public opinion is on our side."

He said that the ready defence of a "porno pedlar" of imported material would be that "the Australian Government admitted it without any restriction."

"We are on a collision course with the Australian Government on the issue of hardcore pornography, which proposes legislative action that will make publicity on sex an open slather," Mr Griffith said.

It was a clash, he said, that would involve every section of the community.

More vocal than the Federal and State Cabinet ministers involved would be the churches and parents and citizens' associations.

At the recent conference, said Mr Griffith, the States' battle lines with the Commonwealth were drawn.

All States' advisers opposed the proposal of the Federal Attorney-General, Senator Murphy, to liberalise restrictions on "peddling pornography."

Mr Griffith said that one barrier opponents of hard-core pornography had been relying on was Section 4a of the Customs and Imports regulations which provided for censorship.

Although all States had opposed this proposal at the conference, the SA Premier, Mr Dunstan, was pressing for the repeal of this safeguard section, said Mr Griffith.

Newspaper report of opposition from state governments to the Whitlam government's liberalising endeavours. [Sun Jan 2 1974]



Ward O'Neill cartoon of the Parliamentary Speaker as censor, when in 2002 Hansard was censored for the first time after MP Mark Latham called Treasurer Peter Costello a 'really big C'. [Courtesy Ward O'Neill]



Sign notifying of the ban on pornography and alcohol in Aboriginal 'prescribed areas' under the Intervention, from Yuendumu, NT. Graffiti in Walpiri reads 'Big Hole' or 'Busted Arsehole'. [Courtesy Jon Altman]